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# federal register

Thursday
April 18, 1985

## Selected Subjects



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# Presidential Documents

Title 3—

The President

## Proclamation 5319 of April 15, 1985

## Loyalty Day, 1985

**By the President of the United States of America**

**A Proclamation**

Providence has favored our land, with its abundant resources and industrious people, and the years of adversity in our history have been few. Yet even during the dark hours, the times of conflict or economic hardship, Americans have demonstrated their unwavering devotion to the noble ideals upon which this country was founded. Our faith in the principles of freedom, justice, and opportunity has sustained us. We have prevailed over every challenge and our success shines as a beacon of hope for the world, an enduring reminder that adherence to the fundamental values of liberty will overcome any obstacle.

Today these values are enjoying renewed allegiance in America and elsewhere; the advantages of our democratic way of life are winning the United States new admiration and respect around the world.

Americans' loyalty to their Nation is especially inspiring because it is freely given by a free people. Nations that seek to compel the love or fidelity of their citizens without tolerance for their unalienable rights are inherently unstable and frequently dangerous to others. Now that the windows of communication and commerce are bringing nations into increasingly close relationships, the truths our forefathers found self-evident are becoming apparent to all: the future belongs to the free—to peoples who are free to work, to assemble, to vote, to travel and to emigrate, to print and to speak, and to worship as they choose.

Today, in this time of peace and prosperity at home, it is fitting that we reflect upon the venerable ideals that symbolize the American spirit. By remaining loyal to these ideals, we will be worthy of the trust a generous God has reposed in us. For this purpose, the Congress, by joint resolution approved July 18, 1958 (72 Stat. 369, 36 U.S.C. 162), has designated May 1 of each year as Loyalty Day, a day to renew our commitment to this grand republic and its democratic institutions.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 1, 1985, as Loyalty Day and call upon all Americans and patriotic, civic, and educational organizations to observe that day with appropriate ceremonies. I also call upon all government officials to display the flag of the United States on all government buildings and grounds on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-9480
Filed 4-16-85; 12:01 pm]
Billing code 3195-01-M

# Presidential Documents

**Proclamation 5320 of April 15, 1985**

## Law Day, U.S.A., 1985

**By the President of the United States of America**

**A Proclamation**

May 1, 1985, is Law Day, U.S.A. This year's Law Day theme, "Liberty and Justice for All," reaffirms the principles upon which our Republic was founded. The guarantee of liberty and the right to seek justice emerged through law: through the Declaration of Independence, the Constitution, and the Bill of Rights. As Americans, we continue to preserve these principles through our lawmaking and judicial systems.

Each time we recite the Pledge of Allegiance, we renew our commitment to providing the benefits of liberty and the reality of justice for all.

These principles have served and continue to serve as an inspiration to everyone in this great Nation, because they represent a promise, an ideal, and an opportunity. It is the promise of liberty and justice for all that has brought millions of immigrants to American shores. It is the ideal of liberty and justice for all that has guided our government in making and enforcing our laws. It is the opportunity for liberty and justice for all that has inspired Americans from all walks of life to participate in and give life to our unique form of government.

The fact that we continue to strive to be one Nation, under God, with liberty and justice for all, is a tribute to the memory of the millions of Americans who, throughout our history, have been willing to die to secure or preserve these ideals. The great patriot Patrick Henry's impassioned plea, "Give me liberty or give me death," continues to symbolize today the fervor with which Americans treasure these freedoms.

Law Day is an important opportunity for all Americans to improve their understanding and appreciation of the contribution law makes to the preservation of liberty and justice. I urge all Americans to join with me in renewing our dedication to those principles for which so many Americans have sacrificed their lives.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Wednesday, May 1, 1985, as Law Day, U.S.A. I urge the people of the United States to use this occasion to renew their commitment to the rule of law and to reaffirm our dedication to the partnership of law and liberty. I also urge the legal profession, schools, civic, service, and fraternal organizations, public bodies, libraries, the courts, the communications media, business, the clergy, and all interested individuals and organizations to join in efforts to focus attention on the need for the rule of law. I also call upon all public officials to display the flag of the United States on all government buildings open on Law Day, May 1, 1985.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-9481
Filed 4-16-85; 12:02 pm]
Billing code 3195-01-M

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 930

### Programs for Specific Positions and Examination (Miscellaneous)

**AGENCY:** Office of Personnel Management.

**ACTION:** Final regulations.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing regulations that implement Pub. L. 98–224, signed March 2, 1984. This law amended section 3323(b) of Title 5, United States Code, to permit the temporary reemployment of retired Administrative Law Judges (ALJs) under regulations promulgated by OPM. These final rules will help agencies deal with temporary, irregular workloads for ALJs.

**EFFECTIVE DATE:** May 20, 1985.

**FOR FURTHER INFORMATION CONTACT:** Craig B. Pettibone, Assistant Director for Administrative Law Judges, (202) 632–5677.

**SUPPLEMENTARY INFORMATION:** In the October 31, 1984, **Federal Register**, OPM proposed to add a new § 930.216 to Subpart B, Part 930, Title 5 of the Code of Federal Regulations, to permit the temporary reemployment of retired ALJs to conduct formal administrative hearing proceedings in accordance with 5 U.S.C. 556 through 557. Interested parties were given until November 30, 1984, to submit written comments concerning this proposal.

Nineteen written comments and a few telephone comments were received by OPM. The Senior Judges Committee of the National Conference of Administrative Law Judges, Judicial Administration Division, American Bar Association, submitted a most comprehensive set of comments and met with OPM staff to discuss them. Eleven retired ALJs submitted comments that generally paralleled the comments of the Senior Judges Committee. Five agency chief ALJs and one agency personnel director submitted comments. In addition, a former director of the Office of Administrative Law Judges in the old U.S. Civil Service Commission submitted comments.

The commenters generally supported the promulgation of regulations permitting the reemployment of retired ALJs. However, they raised six issues that are listed and discussed below.

1. *Should retired ALJs apply directly to agencies for reemployment or apply first to OPM for referral to agencies?* Several commenters took the position that applicants for reemployment as retired ALJs should be required to apply first to OPM rather than directly to the employing agency as proposed by OPM under 5 CFR 930.216(b). They argued that such a procedure was necessary to give the public the assurance required by the Administrative Procedure Act (APA) that an agency would not be selecting a particular ALJ to hear a particular case or influence the outcome of an assigned case in any way. They also argued that requiring agencies to assign cases in general rotation as OPM had proposed was not a sufficient assurance to the public that an impartial retired ALJ would be appointed in the first place. Therefore, they argued that OPM should provide an application procedure that paralleled that required by the APA for applicants for regular ALJ positions. In other words, applicants should first apply to OPM for reemployment, and OPM should then provide employing agencies in reponse to their request lists of applicants who meet their qualification requirements. In response to the comments received, OPM has modified the proposed regulations so that the final regulations provide that retired ALJs who are interested in reemployment should first notify OPM in writing. OPM will compile a list of such retired ALJs and will refer lists of qualified retired ALJs to agencies that request them. The names of retired ALJs referred from OPM's master list will be rotated to the extent practicable.

2. *Should retired ALJs be required to reestablish their qualifications in accord with OPM Examination Announcement No. 318 for ALJs?* A number of commenters interpreted OPM's proposed regulations as if they would have required retired ALJs to reestablish their qualifications by retaking the ALJ examination. OPM did not and does not anticipate requiring ALJs to retake the ALJ examination to qualify for reemployment. OPM simply proposed to require that the retired ALJs who wanted to become reemployed would have to demonstrate that they had established eligibility in accordance with the qualification and examination requirements of OPM Examination Announcement No. 318 for ALJs. This Announcement was first published in 1963, but was revised in 1984. Retired ALJs having already passed the requirements of this examination announcement would not have to retake it. They would simply have to show that since retirement they continued to meet the one qualification requirement set out in the examination announcement that relates to current status rather than past achievement. Specifically, they would have to show that they continue to be duly licensed to practice law under the laws of a state, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the Constitution. This is the same eligibility requirement placed on former ALJs who seek to be reinstated under 5 CFR 930.207. Such an eligibility requirement is a straightforward assurance to the public that retired ALJs have met the same eligibility requirements as regularly employed ALJs and have maintained proficiency in their legal knowledge, skills, and abilities. Accordingly, OPM is keeping this requirement in the rules for reemployment of retired ALJs.

3. *Should reemployment for the period of time necessary to conduct and complete one or more specified cases be limited to cases "assigned but not completed before retirement"?* Some commenters questioned why § 930.216(f)(2) of OPM's proposed regulations would have limited reemployment for the period of time necessary to conduct and complete one or more specified cases "assigned but not completed before retirement." They pointed out that such a limitation was not included in the statutory language of 5 U.S.C. 3323(b), as amended. They also added that an agency might wish from time to time to reemploy a retired ALJ indefinitely for assignment to a particular new case rather than for a particular period of time for assignment

to cases in normal rotation as permitted under § 930.216(f)(1). OPM had included the limitation because it had proposed that retired ALJs apply for reemployment directly to the employing agencies and that the employing agencies recommend to OPM a specific retired ALJ from reemployment. If the agencies were to be given such freedom to pick their own retired ALJs, they could not also be permitted to pick a particular case for assignment to them without violating the APA requirement that an agency not pick a particular ALJ for a particular case, and assign all cases in rotation to the extent practicable. However, in view of the revision of the final regulations to provide for retired ALJs to apply for reemployment by first notifying OPM, and for OPM to forward a list of qualified retired ALJs to agencies in response to their requests for reemploying unnamed retired ALJs, OPM has deleted this limitation from the final regulations.

4. *Is the language of § 930.216(h) (§ 930.216(g) in the proposed regulations) concerning the assignment of cases to reemployed ALJs either to hear a case(s) assigned but not completed before retirement, or to hear cases in normal rotation to the extent practicable, permissive or mandatory?* A few commenters expressed concern that the use of the word "shall" in this subsection of the regulations would have imposed an obligation on an agency to automatically reemploy a retired ALJ to complete a case that was asssigned but not completed before retirement. This concern was raised in the context of 5 U.S.C. 554(d) that requires in part "The employee who presides at the reception of evidence pursuant to section 556 of this title shall make the recommended decision or initial decision required by section 557 of this title, unless he becomes unavailable to the agency." OPM believes that this concern can be eliminated by changing the word "shall" to "may" as it has done in the final regulations. Also, OPM is not aware of anything in the legislative history of 5 U.S.C. 3323(b) that would suggest that an agency would be obligated to reemploy a retired ALJ to finish an uncompleted case. Such reemployment to complete an uncompleted case is a matter of agency discretion. Further, we assume that most agencies will continue to try to have their ALJs complete assigned cases before retirement, and that cases assigned but not completed before retirement will generally arise infrequently in connection with the remand of cases from a higher appellate body after an ALJ has retired.

5. *What happens if a retired ALJ reemployed for a particular period of time to hear an agency's cases in normal rotation finds during such period of time that the services of the additional ALJ are no longer required to handle pending workloads?* One agency asked whether, in such a situation, an agency could terminate the reemployment without proposing removal in an on the record hearing before the Merit Systems Protection Board under 5 U.S.C. 7521. Such a question should arise rarely, if at all, if the agency's request to reemploy a retired ALJ was fully and properly justified. Also, in accordance with the change made in the final regulations under issue 3 above, such a situation could be avoided by an agency if the agency simply reemploys a retired ALJ to hear a specific case or cases for such period of time as it takes to complete them. However, if the situation did arise, the agency could ask OPM to approve a reduction in the period of reemployment. And, if such a request is approved, the period of reemployment could be terminated when the need for the reemployed ALJ's services end.

6. *How is the pay to be set for the retired ALJ who is reemployed?* Several commenters interpreted proposed § 930.216(j) as if it would have limited the pay for a retired ALJ to the highest dollar rate of pay received as an ALJ before retirement. This was not the intent of the regulations. The final regulation has been clarified to make it understood that the retired ALJ will be paid by the employing agency at "the current rate of pay for the grade at which the duties to be performed have been classified and at a step of that grade that is nearest (when rounded up) to the highest previous grade and step attained as an Administrative Law Judge before retirement." For example, retired GS–16 ALJs would be reinstated in GS–16 ALJ positions at the highest step of the GS–16 grade level they had previously attained as ALJs before retirement. And, they would be paid at that step of the GS–16 grade level at current salary rates. Similarly, GS–15 ALJs would be reinstated in GS–15 ALJ positions at the highest step of the GS–15 grade level they had previously attained as ALJs before retirement. And, they would be paid at that step of the GS–15 grade level at current salary rates. Also, retired GS–16 ALJs would be reinstated in GS–15 ALJ positions at that step of the GS–15 grade level that is nearest (when rounded up) to the highest step of the GS–16 ALJ position attained before they retired. Likewise, they would be paid at current salary rates for that step at the GS–15 grade level. However, an amount equal to the annuity allocable to the period of actual employment will be deducted from his or her pay and deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

**E.O. 12291 Federal Regulation**

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

**Regulatory Flexibility Act**

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects Federal employees.

**List of Subjects in 5 CFR Part 930**

Administrative practice and procedure, Government employees, Motor vehicles.

Office of Personnel Management.

**Donald J. Devine,**

*Director.*

Accordingly, OPM amends 5 CFR Part 930 as follows:

## PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

### Subpart B—Appointment, Pay and Removal of Administrative Law Judges

1. The authority for Subpart B reads as follows:

(5 U.S.C. 1305, 3105, 3344, 5335, 5372, 7521, unless otherwise noted)

2. Section 930.216 is added to read as follows:

**§ 930.216 Temporary Reemployment: Senior Administrative Law Judges.**

(a) Subject to the requirements and limitations of this section, an annuitant, as defined by section 8331 of Title 5, United States Code, receiving an annuity from the Civil Service Retirement and Disability Fund (1) who has served with absolute status as an administrative law judge under section 3105 of that Title; and (2) who has met current qualification and examination requirements set forth in OPM Examination Announcement No. 318 (including the requirement to maintain a current license to practice law under the laws of a state, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the Constitution), may be temporarily

reemployed as an administrative law judge by an agency that has temporary, irregular workload requirements for conducting proceedings in accordance with sections 556 and 557 of that title. Such retired administrative law judges who are so reemployed will be known as senior administrative law judges.

(b) Retired administrative law judges who meet the requirements of paragraph (a) of this section and who are available for temporary reemployment must notify OPM in writing of their availability, giving their full name, address, telephone number, name of the agencies where the person served as an ALJ, and jurisdictions in which they are currently licensed to practice law. OPM will maintain a master list of such retired administrative law judges for use in responding to agency requests for such judges.

(c) An agency that wishes to temporarily reemploy administrative law judges must submit a written request to OPM. The request shall—

(1) Identify the statutory authority under which the administrative law judge is expected to conduct proceedings;

(2) Demonstrate that the agency is occasionally or temporarily understaffed;

(3) Specify the tour of duty, location, period of time, or particular case(s), for the requested reemployment; and

(4) Describe any special qualifications desired in the retired administrative law judge that it wishes to reemploy, such as experience in a particular field, agency, or substantive area of law.

(d) OPM will approve agency requests for temporary reemployment of retired administrative law judges for a specified period or periods provided:

(1) The requesting agency fully justifies that it requires the use of an administrative law judge and that it is occasionally or temporarily understaffed; and

(2) No other administrative law judge with the appropriate qualifications is available through OPM under § 930.213 of this subpart to perform the occasional or temporary work for which reemployment is requested.

(e) Upon approval of an agency request to reemploy a retired administrative law judge, OPM will select from its master list of retired administrative law judges, in rotation to the extent practicable, those retired judges who it determines meet agency requirements. OPM will then provide a list of such individuals to the requesting agency and the agency must then select from that list a retired administrative law judge for reemployment.

(f) Reemployment of retired administrative law judges is subject to investigation of suitability in accordance with §§ 731.201 through 731.303 of this chapter. It is also subject to conflict of interest and security investigation requirements by the appointing agency.

(g) Reemployment as senior administrative law judges will be for either (1) a specified period not to exceed 1 year; or (2) such periods as may be necessary for the reemployed administrative law judge to conduct and complete the hearing of one or more specified cases and issue decisions therein. Upon agency request, OPM may either reduce or extend such period of reemployment, as necessary, to coincide with changing staffing requirements.

(h) An agency may assign its senior administrative law judges to either (1) hear one or more specific cases; or (2) hear, in normal rotation to the extent practicable, a number of cases on its docket and issue decisions therein.

(i) Hours of duty, administrative support services, and travel reimbursement for senior administrative law judges will be determined by the employing agency in accordance with the same rules and procedures that are generally applicable to employees.

(j) A senior administrative law judge serves subject to the same limitations on performance appraisal and removal as any other administrative law judge employed under this subpart and section 3105 of title 5, United States Code. An agency will not rate the performance of a senior administrative law judge. Actions may not be taken against senior administrative law judges during the period of reemployment, except for good cause established and determined by the Merit Systems Protection Board after opportunity for a hearing on the record before the Board as provided in §§ 1201.131 through 1201.136 of this Title.

(k) A senior administrative law judge will be paid by the employing agency the current rate of pay for the grade at which the duties to be performed have been classified and at a step of that grade that is nearest (when rounded up) to the highest previous grade and step attained as an administrative law judge before retirement. However, an amount equal to the annuity allocatable to the period of actual employment will be deducted from his or her pay and deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

[FR Doc. 85-9436 Filed 4-17-85; 8:45 am]

BILLING CODE 6325-01-M

## MERIT SYSTEMS PROTECTION BOARD

### 5 CFR Part 1201

### Practice and Procedure; Realignment of Regional Offices

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Final rule.

**SUMMARY:** The Merit Systems Protection Board announces realignment of the geographical areas of its regional offices. The realignment affects regions covering territory located primarily west of the Mississippi River.

**EFFECTIVE DATE:** May 1, 1985.

**FOR FURTHER INFORMATION CONTACT:** Michael Doheny, (202) 653-7980.

**SUPPLEMENTARY INFORMATION:** The Merit Systems Protection Board has realigned the geographical jurisdiction of six of its regional offices: Atlanta, Dallas, Denver, St. Louis, San Francisco and Seattle. The realignment is designed to enable the Board to be more responsive to the needs of appellant and agency clients. It takes advantage of the demonstrated capacity of three small regional offices to handle a greater amount of territory than is currently assigned to them, and it provides for a better balanced caseload among all of the regions. It is also fully consistent with the government-wide effort to streamline federal regional structures for the purpose of cost-effectiveness and efficiency in operations. Agencies are required to provide employees, against whom an action appealable to the Board has been taken, notice of their appeal rights and the correct address of the MSPB regional office to which their appeals should be sent. Accordingly, agencies and other interested parties should carefully review the boundary changes in Appendix II.

**List of Subjects in 5 CFR Part 1201**

Government employees, Administrative practice and procedures, Civil rights.

### PART 1201—[AMENDED]

Accordingly, Appendix II to 5 CFR Part 1201 is revised to read as follows:

**Appendix II to Part 1201—Appropriate Regional Office for Filing Appeals**

All submissions shall be addressed to the Regional Director, Merit Systems Protection Board, at the below-listed addresses, according to geographic region of the employing agency.

Address of Appropriate Regional Office and Area Where Agency is Located:

1. Atlantic Regional Office, 1776 Peachtree Street, NE, Atlanta, Georgia 30309 (Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina).

2. Boston Regional Office, 150 Causeway Street, Room 1122, Boston, Massachusetts 02114 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont).

3. Chicago Regional Office, 230 South Dearborn Street, 31st Floor, Chicago, Illinois 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin).

4. Dallas Regional Office, 1100 Commerce Street, Room 6F20, Dallas, Texas 75242 (Arkansas, Louisiana, Oklahoma, Texas, Swan Island).

5. Denver Regional Office, 730 Simms Street, Room 301, Golden, Colorado 80401 (Arizona, Colorado, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, Wyoming).

6. New York Regional Office, 26 Federal Plaza, Room 2341, New York, New York 10278 (New Jersey, New York, Puerto Rico, Virgin Islands).

7. Philadelphia Regional Office, U.S. Customhouse, Room 501, Second and Chestnut Street, Philadelphia, Pennsylvania 19106 (Camden County (New Jersey), Delaware, Maryland, Pennsylvania, Virginia, West Virginia).

8. St. Louis Regional Office, 1520 Market Street, Room 1740, St. Louis, Missouri 63103–2692 (Iowa, Kentucky, Missouri, Tennessee).

9. San Francisco Regional Office, 525 Market Street, Room 2800, San Francisco, California 94105 (California).

10. Seattle Regional Office, 915 Second Street, Room 1840, Seattle, Washington 98174 (Alaska, Hawaii, Idaho, Oregon, Washington, Pacific overseas).

11. Washington Regional Office, 5203 Leesburg Pike, Suite 1109, Falls Church, Virginia 22041 (Washington, D.C. Metropolitan Area, all overseas areas not otherwise covered).

For the Board.

Dated: April 15, 1985.

**Herbert E. Ellingwood,**

*Chairman.*

[FR Doc. 85–9331 Filed 4–17–85; 8:45 am]

BILLING CODE 7400–01–M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 9 CFR Part 78

**[Docket No. 85–032]**

### Brucellosis in Cattle; State and Area Classifications

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule.

**SUMMARY:** This document amends the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Tennessee from Class B to Class A. This action is necessary because it has been determined that this State meets the standards for Class A status. The effect of this action is to relieve certain restrictions on the interstate movement of cattle from the State of Tennessee.

**DATES:** Effective date of the interim rule is April 18, 1985. Written comments must be received on or before June 17, 1985.

**ADDRESSES:** Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Written comments may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8711.

**SUPPLEMENTARY INFORMATION:**

#### Background

The brucellosis regulations (contained in 9 CFR Part 78 and referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of brucella infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or Areas which do not meet the minimum standards for Class C are required to be placed under Federal quarantine. This document changes the classification of the State of Tennessee from Class B to Class A.

The brucellosis Class Free classification is based on a finding of no know brucellosis in cattle for the period of 12 months preceding classification as Class Free. The Class C classification is for States or Areas with the highest rate of brucellosis, with Classes A and B in between. Restrictions on the movement of cattle are more stringent for movements from Class A States or Areas compared to movements from Free States or Areas, and are more stringent for movements from Class B States or Areas compared to movements from Class A States or Areas, and so on. The restrictions include testing for movement of certain cattle from other than Class Free States or Areas.

The basic standard for the different classifications of States or Areas concern maintenance of: (1) A State or Area-wide accumulated 12 consecutive month herd infection rate not to exceed a stated level; (2) a Market Cattle Indentification (MCI) reactor prevalence rate not to exceed a stated rate (this concerns the testing of cattle at auction markets, stockyards, and slaughtering establishments); (3) a surveillance system which includes a testing program for dairy herds and slaughtering establishments, and provisions for identifying and monitoring herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received under approved action plans; and (4) minimum procedural standards for administering the program.

Prior to the effective date of this document, the State of Tennessee was classified as a Class B State. It had been necessary to classify this State as Class B rather than Class A because of the herd infection rate and the MCI reactor prevalence rate. To attain and maintain Class A status, A State or Area must, among other things, maintain an accumulated 12-month herd infection rate for brucellosis not to exceed 2.5 herds per 1,000 (0.25 percent) if the State has more than 10,000 herds, and the adjusted MCI prevalence rate for such 12 month period must not exceed one reactor per 1,000 cattle tested (0.10 percent). A review of brucellosis program records establishes that the brucellosis classification of the State of Tennessee, which has approximately 77,000 herds of cattle, should be changed to Class A since this State now meets the criteria for classification as Class A.

#### Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a major rule. Based on information compiled by the Department, it has been determined that this rule will not have a significant

effect on the economy; will not cause a major increase in costs of prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the State of Tennessee reduces certain testing and other requirements on the interstate movement of these cattle. Cattle from Certified Brucellosis-Free Herds moving interstate are not affected by the change in status. It has been determined that the change in brucellosis status made by this document will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

### Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to delete unnecessary restrictions on the interstate movement of certain cattle from the State of Tennessee.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the **Federal Register**.

### List of Subjects in 9 CFR Part 78

Animal diseases, Cattle, Hogs, Quarantine, Transportation, Brucellosis.

Accordingly, 9 CFR Part 78 is amended as follows:

## PART 78—BRUCELLOSIS

### § 78.20 [Amended]

1. Section 78.20(b) is amended by adding "Tennessee," immediately before "Virginia".

2. In § 78.20(c), ", Tennessee" is removed and "and" is added immediately before "Oklahoma".

**Authority:** 21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 15th day of April 1985.

**J. K. Atwell,**

*Deputy Administrator, Veterinary Services.*

[FR Doc. 85–9387 Filed 4–17–85; 8:45 am]

BILLING CODE 3410-34-M

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 121

### Small Business Size Standards; Size Standard for Commercial Fishing Industry

**AGENCY:** Small Business Administration.

**ACTION:** Interim emergency final rule.

**SUMMARY:** SBA is establishing an interim emergency size standard for the commercial fishing industry of $2 million for application to El Nino Economic Injury Disaster Loans for the period between June 1982 and December 1983. This size standard is necessary because SBA had no standard for this industry in effect at the time of the disaster. It is intended to clarify the size eligibility question for fishing firms applying for disaster loan assistance.

**DATES:** Effective April 18, 1985. The amendment applies to the period between June 1982 and December 1983. Comments must be received by May 20, 1985.

**ADDRESSES:** Address all comments to: Andrew A. Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW., Room 500, Washington, D.C. 20416.

**FOR FURTHER INFORMATION CONTACT:** Bernard Kulik, (202) 653–6879, Deputy Associate Administrator for Disaster Assistance.

**SUPPLEMENTARY INFORMATION:** On October 12, 1984, the President signed Pub. L. 98–473, which authorized SBA to make Economic Injury Disaster Loans (EIDL) to small businesses suffering financial injury as a result of Pacific Ocean conditions commonly known as "El Nino" occurring between June 1982 and December 1983. The SBA regulation to implement this law appeared in the **Federal Register** on January 4, 1985 (50 FR 704). By law, the loans are limited to small businesses and are administered by SBA's Disaster Assistance Division.

The size standard to be applied in the case of EIDLs is the one in effect at the time of the disaster. Since March 12, 1984, SBA has had a size standard for the fishing industry of $2 million. Prior to that time, a size standard for fishing industry did not exist.

SBA believes that the present $2 million standard should be retroactively applied for 1982–83. The makeup of the fishing industry was substantially the same in 1982–83, compared to 1984, so that the $2 million size standard can be appropriately used.

As part of a general revision of all size standards, SBA proposed in 1982 and 1983 a size standard of 25 employees for this industry which is roughly equivalent to the present $2 million standard. SBA received no adverse public comments to these two proposals.

The fishing industry is a competitive one, with low average firm size and investment requirements. While there are few data on the structure of this industry, these characteristics normally suggest a low size standard.

Thus, in order to carry out the intent of Congress in enacting Pub. L. 98–473, the $2 million size standard for the fishing industry is being put into effect on a retroactive basis to cover the time period of the "El Nino" disaster, and thereafter. Pursuant to the authority of 5 U.S.C. 553(b)(B), the regulation is being promulgated as a final rule. Due to the urgent nature of the disaster assistance contemplated by Pub. L. 98–473, SBA has determined that it is necessary to quickly establish this size standard to facilitate the efficient operation of the disaster program and to carry out the intent of Congress. Publishing a proposed rule and providing an opportunity to comment thereon before it can be promulgated in final form would delay the necessary assistance to disaster victims, and thus, would be contrary to the public interest. However, SBA intends to accept public comments on this interim emergency rule and will review them in reviewing the existent size standard for the commercial fishing industry.

SBA has determined that this regulation is a nonmajor rule as defined by Executive Order 12291. The intent of this action is to define the universe of

commercial fishing businesses eligible for EIDLs under the authority granted by Pub. L. 98–473. In FY 1984, SBA made a total of $85 million of EIDL loans in all industries at an average loan size of $77,000. The maximum loan size permitted is $500,000. For these reasons, the economic impact of this rule will be far less than $100 million. In addition, this regulation is not likely to result in a major increase in costs or prices or have a significant adverse effect on the United States economy.

SBA certifies pursuant to section 608 of the Regulatory Flexibility Act, 5 U.S.C. 608, that this interim final rule is being published pursuant to an emergency for the reasons indicated above, and that SBA is therefore waiving the requirements of section 603 of the Regulatory Flexibility Act. SBA will publish a final regulatory analysis of its final size standard in compliance with section 604 of the Regulatory Flexibility Act, when that final size standard is published. SBA also certifies that this regulation contains no reporting or recordkeeping requirements which are subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

**List of Subjects in 13 CFR Part 121**

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Loan programs—business, Reporting and recordkeeping requirements, Small business.

## PART 121—[AMENDED]

Accordingly, pursuant to the authority contained in section 3(a) and 5(b)(6) of the Small Business Act, 15 U.S.C. 632(a) and 634(b)(6), SBA amends Part 121 of 13 CFR as follows:

The table in § 121.2(c)(2) is amended by adding the following entry under Division A, Major Group 09:

**§ 121.2 [Amended]**

* * * * *

(c) * * *

(2) * * *

* * * * *

DIVISION A—AGRICULTURE

[Major Group 09-Fishing, Hunting, and Trapping]

| | | |
|---|---|---|
| 0912 | Finfish | $2 million. |

* * * * *

Dated: April 8, 1985.

James C. Sanders,

*Administrator.*

[FR Doc. 85–9171 Filed 4–17–85; 8:45 am]

BILLING CODE 8025–01–M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 13

**[Docket No. C–2856]**

### The American Academy of Orthopaedic Surgeons; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Modifying order.

**SUMMARY:** In response to a petition filed by the American Academy of Orthopaedic Surgeons ("AAOS"), this Order reopens the matter in docket C–2856, and modifies the consent order entered against AAOS on December 14, 1976, by deleting Paragraph II(B) of the Order which bars the organization from advising in favor of or against any relative value scale developed by third parties, and inserting a provision identical to one contained in FTC's Order in *Michigan State Medical Society* (Michigan State), Docket No. 9129, 101 F.T.C. 191, to permit AAOS more freedom to discuss reimbursement issues with third-party payers and governmental entities. The Commission noted that it had recently modified a similar order entered against the American College of Obstetricians and Gynecologists ("ACOG"), Docket No. C–2855, after finding that benefits derived from the order's restriction on ACOG's ability to discuss relative value scales with third-party payers and governmental entities were outweighed by the resulting injury to ACOG and the public, and that this finding was also applicable to AAOS. Accordingly, the Commission reopened the proceeding and modified the AAOS order in the same manner as it had modified the ACOG order, and in conformity with the Commission's decision in *Michigan State*.

**DATES:** Consent order issued December 14, 1976, Modifying Order issued March 29, 1985.

**FOR FURTHER INFORMATION CONTACT:** L–301–1, Elliot Feinberg, Washington, D.C. 20580, (202) 634–4604.

**SUPPLEMENTARY INFORMATION:** In the Matter of The American Academy of Orthopaedic Surgeons, a corporation. Codification appearing at 42 FR 4118 remains unchanged.

**List of Subjects in 16 CFR Part 13**

Fee schedules, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

**Before Federal Trade Commission**

[Docket No. C–2856]

Commissioners: James C. Miller III, Chairman, Patricia P. Bailey, George W. Douglas, Terry Calvani, Mary L. Azcuenaga.

In the matter of the American Academy of Orthopaedic Surgeons, a corporation.

*Order Reopening and Modifying Final Order*

By petition filed November 19, 1984, the American Academy of Orthopaedic Surgeons ("AAOS") asked the Commission to reopen and modify the Commission order in Docket No. C–2856 entered by consent against AAOS on December 14, 1976 ("Order"). AAOS requested that the Commission modify the Order by (a) deleting Paragraph II(B) of the Order, which prohibits AAOS from advising in favor of or against any relative value scale developed by third parties (except that AAOS is permitted to provide historical data), and (b) inserting a provision identical to a provision contained in the Commission's Order in *Michigan State Medical Society*, Docket No. 9129, 101 F.T.C. 191 (1983) (*"Michigan State"*) that would allow AAOS more freedom to discuss issues relating to reimbursement with third-party payers and governmental entities. AAOS's petition was placed on the public record and no comments were received.

Upon consideration of AAOS's petition and other relevant information, the Commission finds that the public interest would be served by deleting Paragraph II(B) of the Order and by inserting the relevant provision contained in the order in *Michigan State*. The Commission's order against the American College of Obstetricians and Gynecologists ("ACOG") in Docket No. C–2855 is similar to the *AAOS* order, and the Commission recently reopened and modified the *ACOG* order, finding that its restriction on ACOG's ability to discuss relative value scales with third-party payers and governmental entities had caused injury to ACOG and the public that outweighed any benefit that might be derived from the restriction. AAOS's petition is based on ACOG's petition and the Commission has determined that its finding in ACOG is applicable to AAOS. Accordingly, the Commission has modified the *AAOS* order in the same manner as it modified the *ACOG* order. The modification is also consistent with the Commission's decision in *Michigan State*.

The Order continues to prohibit AAOS from developing and circulating its own relative value guide for use by its members. In addition, although the

Order no longer will prohibit AAOS from discussing relative value scales with governmental entities and third-party payers, serious antitrust concerns would arise were AAOS to negotiate or attempt to negotiate an agreement with any such party or engage in any type of coercive activity to effect such an agreement.

Accordingly, it is ordered, that this matter be, and it hereby is, reopened and that the Order in Docket No. C-2856 be modified (1) to delete Paragraph II(B) and to redesignate Paragraphs II(C) and II(D) of the Order Paragraph II(B) and II(C) respectively; (2) to renumber Paragraphs III, IV and V of the Order Paragraphs IV, V and VI respectively; and (3) to insert the following:

It is further ordered that this order shall not be construed to prevent AAOS from:

A. Exercising rights permitted under the First Amendment to the United States Constitution to petition any federal or state government, executive agency, or legislative body concerning legislation, rules or procedures, or to participate in any federal or state administrative or judicial proceeding.

B. Providing information or views, on its own behalf or on behalf of its members, to third-party payers concerning any issue, including reimbursement.

By direction of the Commission.

Issued: March 29, 1985.

**Emily H. Rock,**

*Secretary.*

[FR Doc. 85-9313 Filed 4-17-85; 8:45 am]

BILLING CODE 6750-01-M

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**16 CFR Part 13**

**[Docket No. 6156]**

## Luria Brothers and Co., Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Set aside order.

**SUMMARY:** In response to a petition filed by Luria Brothers and Company, Inc. (Luria), the Commission, on February 1, 1985, reopened the proceedings in Docket 6156 and set aside the Order issued February 13, 1963, 62 F.T.C. 243, as it applies to Luria, on ground that it no longer served any procompetitive purpose and may impede the company's ability to compete effectively for the business of scrap consumers that desire exclusive supply arrangements. However, the Commission determined that such action would only provide partial relief as long as the corresponding prohibitions against scrap purchasers in Paragraph 2(a) remained in effect, and issued to respondent mills still in operation, orders to show cause why the proceedings in Docket 6156 should not be reopened to set aside Paragraph 2(a), which prohibited the mills from purchasing scrap exclusively from Luria and giving the firm preferential treatment as a broker or supplier of iron and steel scrap. Having received no objections to the proposed action, the Commission reopened the proceedings and set aside Paragraph 2(a) of the 1963 order, holding that in view of its set aside order as it applied to Luria, setting aside Paragraph 2(a) of the order is in the public interest.

**DATES:** Order issued February 13, 1963; Order Setting Aside Paragraph 2(a) issued March 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** L/303-1, Elliot Feinberg, Washington, D.C. 20580. (202) 634-4604.

**SUPPLEMENTARY INFORMATION:** In the Matter of Luria Brothers and Company, Inc., et al. Codification appearing at 28 FR 2231 is deleted.

**List of Subjects in 16 CFR Part 13**

Iron and steel scrap, Trade practices.

(Sec 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

**Before Federal Trade Commission**

[Docket No. 6156]

*Order Setting Aside Paragraph 2(a) of the Order Issued February 13, 1963*

Commissioners: James C. Miller III, Chairman, Patricia P. Bailey, George W. Douglas, Terry Calvani, Mary L. Azcuenage.

In the Matter of Luria Brothers and Company, Inc., et al.

In response to a petition filed by Luria Brothers and Company, Inc. ("Luria"), the Federal Trade Commission on February 1, 1985, reopened the proceedings in Docket No. 6156 and set aside the order as it applied to respondent Luria. In so doing, the Commission concluded that the order no longer serves any procompetitive purpose and that it may impede unnecessarily Luria's ability to compete effectively for the business of scrap consumers that desire exclusive supply arrangements. However, the Commission believes that setting aside the order as to Luria alone would provide only partial relief as long as order Paragraph 2(a)'s corresponding prohibitions against scrap purchasers remain in effect. Paragraph 2(a) prohibits the respondent mills from purchasing all or almost all of any plant's requirements of scrap iron and steel from Luria, and from giving Luria preferential status or favored treatment as a broker or supplier of iron and steel scrap.

On February 1, 1985, the Commission, pursuant to § 3.72 of its Rules of Practice and Procedure, 16 CFR 3.72, issued to the respondent mills still in operation[1] orders to show cause why the proceedings in Docket No. 6156 should not be reopened to set aside Paragraph 2(a) of the order. Respondent mills were provided an opportunity to object to the proposed action, and having failed to do so, are now deemed to have consented to such action. In view of the Commission's set aside of the order as it applied to Luria, the Commission believes that the set aside of Paragraph 2(a) of the order, barring the respondent mills from using Luria as their exclusive scrap broker or supplier, is in the public interest.

Accordingly, it is hereby ordered that this matter be, and it hereby is, reopened and that Paragraph 2(a) of the order shall be set aside as of the effective date of this order.

By the Commission. Commissioner Bailey concurs in result.

Issued: March 28, 1985.

**Emily H. Rock,**

*Secretary.*

[FR Doc. 85-9314 Filed 4-17-85; 8:45 am]

BILLING CODE 6750-01-M

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**COMMODITY FUTURES TRADING COMMISSION**

**17 CFR Part 140**

## Procedures Regarding the Disclosure of Information and the Testimony of Present or Former Commission Members and Employees in Response to Subpoenas or Other Demands of a Court; Corrections

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rules; corrections.

**SUMMARY:** This document corrects the revision of § 140.735-9 of Part 140 of the Commission's regulations regarding disclosure of information and the

[1] The Commission issued show cause orders to the following respondent mills: Bethlehem Steel Corporation; United States Steel Corporation; Phoenix Steel Corporation; Empire-Detroit Steel Division, Cyclops Corporation; ITT Grinnell Corporation; Standard Steel Division, Titanium Metals Corporation; McLouth Steel Corporation; Edgewater Corporation; Bucyrus-Erie Company; Weirton Steel Corporation; CF & I Steel Corporation and National Steel Corporation. Respondent mill formerly known as the Granite City Steel Company is now a division of the National Steel Corporation.

testimony of present or former Commission officials and employees in response to subpoenas or other demands of the court by restoring certain footnotes to the text of the rule as published in the **Federal Register** on March 20, 1985.

**EFFECTIVE DATE:** These corrections shall become effective on April 19, 1985 (the same effective date of the revised regulation previously published in the **Federal Register** on March 20, 1985).

**FOR FURTHER INFORMATION CONTACT:** Whitney Adams, Deputy General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, (202) 254-9880.

**SUPPLEMENTARY INFORMATION:** On March 20, 1985, the Commodity Futures Trading Commission published notice of the adoption of a new Part 144 of its regulations establishing procedures regarding the disclosure of information and the testimony of present or former Commission officials and employees in response to subpoenas or other demands of a court. 50 FR 11149. At the same time, the Commission also published notice of certain revisions of Section 140.735-9 of Part 140 in conformity with the regulations set forth in the new Part 144. *Id.* at 11150-11151. Through oversight, however, the text of revised regulation § 140.735-9 omitted three footnotes that had been included in the text of the rule prior to its revision. Because the omission of these footnotes was not intended, the Commission publishes this notice restoring the footnotes to the text. With the exception of footnote 16, which is modified to conform with new Part 144 of the regulations, the text of the footnotes remains the same as those currently published in Title 17 of the *Code of Federal Regulations* (1984). Accordingly, because these corrections are not substantive but rather correct certain inadvertent omissions, the Commission has determined to make these corrections effective concurrent with the effective date of the revisions of § 140.735-9 of Part 140.

**List of Subjects in 17 CFR Part 140**

Authority delegations (Government agencies), Conflicts of interest, Organization and functions (Government agencies).

**PART 140—[AMENDED]**

Accordingly, pursuant to its authority under 5 U.S.C. 301; 7 U.S.C. 4a(j) and 12a(5) the Commission hereby adopts corrections to the revised § 140.735-9 of Part 140 as follows:

**§ 140.735-9 [Amended]**

1. On page 11151, in the first column, line 10, the sentence ending in the word "release" should be followed by footnote reference "15," and the text of footnote 15 is added to read as follows:

[15] Attention is directed to section 9(e) of the Commodity Exchange Act, which provides that it shall be a felony punishable by a fine of not more than $100,000 or imprisonment for not more than five years, or both, together with the costs of prosecution—(1) for any Commissioner or any employee or agent thereof who, by virtue of his employment or position, acquires information which may affect or tend to affect the price of any commodity futures or commodity and which information has not been promptly made public, to impart such information with intent to assist another person, directly or indirectly, to participate in any transaction in commodity futures, any transaction in an actual commodity, or in any transaction of the character of or which is commonly known to the trade as an option, privilege, indemnity, bid, offer, put, call, advance guaranty, or decline guaranty, or in any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract or other arrangement that the Commission determines to serve the same function or is marketed in the same manner as such standardized contract, and (2) for any person to acquire such information from any Commissioner or any employee or agent thereof and to use such information in any of the foregoing transactions.

2. On page 11151, in the first column, line 27, the sentence ending in the word "regulations" should be followed by footnote reference "16," and the text of footnote 16, which has been modified to conform with new Part 144 of the Commission's regulations, is added to read as follows:

[16] No employee shall disclose such information unless directed to do so by the Commission.

3. On page 11151, in the first column, line 38, the sentence ending in the word "interest" should be followed by footnote reference "17," and the text of footnote 17 is added to read as follows:

[17] The prohibitions regarding confidential or nonpublic information stated above are intended to cover the matters addressed in sections 8 and 9(e) of the Act as well as nonpublic information under the Freedom of Information Act, 5 U.S.C. 552, the rules of the Commission thereunder, 17 CFR Part 145, and the Privacy Act, 5 U.S.C. 552a, the rules of the Commission thereunder, 17 CFR Part 146, and cases where, apart from specific prohibitions in any statute or rule, the disclosure or use of such information would be unethical.

Issued in Washington, D.C. on April 12, 1985, by the Commission.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 85-9307 Filed 4-17-85; 8:45 am]

BILLING CODE 6351-01-M

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**DEPARTMENT OF THE TREASURY**

**Customs Service**

**19 CFR Part 4**

**[T.D. 85-71]**

## Customs Regulations Amendment Relating to Payment of Tonnage Tax and Light Money

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations to provide that the control number which appears on Customs Form 5104 be written on Customs Form 1002 by Customs as proof of payment when tonnage taxes and light money are paid to Customs by the master of a vessel. This amendment modifies a recently published document which required that both of these forms be submitted to Customs by the master upon each entry of the vessel during the tonnage year. Only the Customs Form 1002 will now be required to be presented. This cross-referenced form will establish the date of commencement of the tonnage year and insure against overpayment. This change is part of Customs continuing efforts to develop a system to improve control over its collection process.

**EFFECTIVE DATE:** April 18, 1985.

**FOR FURTHER INFORMATION CONTACT:**

Operational Aspects: Robert Hamilton, Office of Financial Management and Program Analysis, (202-566-2596) and Thomas Davis, Office of Inspection and Control (202-566-5354).

Legal Aspects: Donald Reusch, Carriers, Drawback and Bonds Division (202-566-5706); Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

**SUPPLEMENTARY INFORMATION:**

**Background**

Generally, unless exempted, the U.S. imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter U.S ports (46 U.S.C. 121, 128). Section 4.23, Customs Regulations (19 CFR 4.23), formerly

provided that upon each payment of tonnage tax or light money, the district director shall give to the master of the vessel a certificate on Customs Form 1002. This certificate constituted the official evidence of payment and was to be presented by the vessel master upon each entry during the tonnage year to establish the date of commencement of the tonnage year and to insure against overpayment.

As part of its continuing efforts to develop a system to improve control over its collection process, by T.D. 84-232, published in the **Federal Register** on November 23, 1984 (49 FR 46118), effective December 24, 1984, § 4.23 was amended to require that in addition to the Customs Form 1002, a cash receipt (Customs Form 5104) must also be provided by Customs as proof of payment when tonnage taxes and light money are paid by the master of a vessel. This additional form was to have provided further protection for the payer vessel while aiding Customs in safeguarding monies collected.

However, the maritime community has expressed strong opposition to this amendment. They have stated that the original cash receipt (CF 5104) must be sent to the shipowner for reimbursement purposes and therefore would not be available for presentation to Customs. They urged Customs to explore alternatives which would be acceptable to all parties concerned.

After a review of the matter, it has been determined that the alternative with the least amount of impact on all parties concerned is to require Customs officers to cross-reference the CF 5104 control number on the CF 1002. Only the CF 1002 would then be submitted to Customs by the vessel master. This will insure that the vessel master has obtained a cash receipt and will eliminate the requirement that both the CF 5104 and CF 1002 be submitted. This minor change will fulfill Customs objectives of providing further protection for the payer vessel and aid in safeguarding monies collected. Accordingly, § 4.23, will be further amended to reflect this change.

### Executive Order 12291

It has been determined that this amendment is not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

### Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

### Drafting Information

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

### Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements a procedural protection requirement for the benefit of the master of the vessel who paid the tonnage taxes and light money, and because it removes a recently imposed burden on the public and imposes no additional duties or responsibilities, it has been determined that good cause exists for dispensing with notice and public procedure pursuant to 5 U.S.C. 553(b)(B). Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(3).

### List of Subjects in 19 CFR Part 4

Customs duties and inspection, Imports, Vessels.

### Amendment to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below:

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.23 is revised to read as follows:

**§ 4.23 Certificate of payment and cash receipt.**

Upon each payment of tonnage tax or light money, the master of the vessel shall be given a certificate on Customs Form 1002 on which the control number of the cash receipt (Customs Form 5104) upon which payment was recorded shall be written. This certificate shall constitute the official evidence of such payment and shall be presented upon each entry during the tonnage year to establish the date of commencement of the tonnage year and to insure against overpayment. In the absence of the certificate, evidence of payment of tonnage tax shall be obtained from the district director to whom the payment was made.

(R.S. 251, as amended, secs. 2, 3, 23 Stat.118, as amended, 119, as amended, sec. 624, 46 Stat. 759, sec. 101, 76 Stat. 72; (5 U.S.C. 301, 19 U.S.C. 66, 1202, 1624, 46 U.S.C. 2, 3, Gen. Hdnote 11, Tariff Schedules of the United States))

**William von Raab,**

*Commissioner of Customs.*

Approved: March 29, 1985.

**John M. Walker, Jr.,**

*Assistant Secretary of the Treasury.*

[FR Doc. 85-9350 Filed 4-17-85; 8:45 am]

BILLING CODE 4820-02-M

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 179

**[Docket No. 84F-0287]**

## Irradiation in the Production, Processing, and Handling of Food

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the regulations that permit gamma radiation treatment of food by expanding the specific list of dried spices and vegetable seasonings to include additional herbs, spices, and vegetable seasonings, and blends of these seasonings. This action responds to a petition filed by Radiation Technology, Inc.

**DATES:** Effective April 18, 1985. Objections by May 20, 1985.

**ADDRESS:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Clyde A. Takeguchi, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:**

### Introduction

In a notice published in the **Federal Register** of September 26, 1984 (49 FR 37851), FDA announced that a petition (FAP 4M3812) had been filed by Radiation Technology, Inc., Lake Denmark Rd., Rockaway, NJ 07866, proposing that the food additive regulations be amended to provide for the safe use of a cobalt-60 or cesium-137 source of gamma radiation to control insect and microbial infestation in certain dried herbs, dried spices, and dried vegetable seasonings at doses not to exceed 10 kiloGray (kGy) (1 megarad,

Mrad). The petitioner specifically sought authorization to irradiate spice blends, many of which contain sodium chloride.

**Background**

In the **Federal Register** of July 5, 1983 (48 FR 30613), FDA issued a final rule amending § 179.22 *Gamma radiation for the treatment of food* (21 CFR 179.22) to provide for the use of a source of gamma radiation to control microbial contamination in several specifically named dried spices and dried vegetable seasonings at doses not to exceed 10 kGy (1 Mrad).

During the 30-day objection period, FDA received five submissions: Two from spice companies, two from trade associations, and one from a radiation equipment manufacturer. These submissions are addressed in a notice published elsewhere in this issue of the **Federal Register**.

FDA is also conducting a separate rulemaking proceeding on food irradiation that will deal comprehensively with all the issues attendant to such a process. In the **Federal Register** of February 14, 1984 (49 FR 5714), FDA issued a proposed rule that would establish:

1. General provisions for good food irradiation practice;

2. Specific conditions of use for specific radiation sources to inhibit growth and maturation of fresh fruits and vegetables and to control insect infestation of food at doses not to exceed 1 kGy, and to control microorganisms on the previously regulated dried spices and dried vegetable seasonings at doses not to exceed 30 kGy; and

3. Labeling requirements for nonretail containers to bear the statement "Treated with ionizing radiation—do not irradiate again."

The agency has received over 4,500 comments in response to the proposed rule. FDA will respond to all comments filed in response to the proposal, including those on spices as a minor food class, in the final regulation on food irradiation. In that document, FDA will also respond to the comments filed in response to the July 5, 1983 final rule.

In the **Federal Register** of June 19, 1984 (49 FR 24988), FDA published an amendment to the July 5, 1983 final rule to permit the use of sources of gamma radiation to control insect infestation in addition to microbial contamination of the same spices and vegetable seasonings.

FDA has evaluated information submitted by the petitioner, as well as information already in FDA's files, and concludes that the proposed use of gamma radiation is safe and that the regulations should be amended as set forth below.

In evaluating the petition, the agency considered whether data on the effects in mice of consuming irradiated chicken from a U.S. Department of Agriculture-sponsored study conducted by Raltech were relevant to this petition. Citing this study, comments claimed that mice fed irradiated chicken were found to show a significant increase in testicular tumors.

FDA has referred this study to the National Toxicology Program (NTP) Board of Scientific Counselors for peer review. Nonetheless, the agency believes that the U.S. Department of Agriculture-sponsored study, even if it shows adverse effects, is not relevant to the narrow issue of the safety of irradiating dry herbs, spices, and vegetable seasonings. The study is of particular concern, however, because it raises the possibility that certain radiolytic products produced in the chicken as a result of irradiation might be carcinogenic.

The food and water composition of chicken is totally different from dried herbs, spices, and seasonings. Chicken contains high levels of moisture while dry spices contain negligible amounts of water. Moisture has a significant effect on radiation chemistry. Chicken is a high-protein food while herbs, spices, and seasonings have essentially no nutrients. Thus, the radiolytic products formed in these vastly different foods would be different. Furthermore, irradiation parameters of dose, temperature, and atmosphere used in the irradiated chicken study are different from those used for spices and seasonings.

After it has reviewed the NTP findings, the agency will fully address those results as well as all implications of the U.S. Department of agriculture-sponsored study in the final regulation on irradiated foods.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

**List of Subjects in 21 CFR Part 179**

Food additives, Food packaging, Irradiation of food.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 179 is amended in § 179.22 in the table in paragraph (b) by removing the item "Garlic powder; Onion powder; Spices, dried * * *" and by alphabetically inserting a new item, to read as follows:

## PART 179—IRRADIATION IN THE PRODUCTION, PROCESSING, AND HANDLING OF FOOD

**§ 179.22 Gamma radiation for the treatment of food.**

* * * * *

(b) * * *

| Food for irradiation | Limitations | Use |
|---|---|---|
| The following dried herbs, spices, and vegetable seasonings: Allspice; anise; basil; bay leaves; caraway seed; caraway, black (black cumin); cardamon; celery seed; chamomile; chervil; chives; cinnamon; cloves; coriander; cumin seed; dill seed; dill weed; fennel seed; fenugreek; garlic powder; ginger; grains of paradise (melegueta pepper); horseradish; mace; marjoram; mustard seed; mustard flour; nutmeg; onion powder; orange petals; oregano; paprika; parsley; pepper, black; pepper, white; pepper, red; peppermint; poppy seed; rosemary; saffron; sage; savory; sesame seed; spearmint; star aniseed; tarragon; thyme; turmeric. Blends of the substances listed above may contain sodium chloride as a minor component. | Absorbed dose: Not to exceed 10 kiloGray (kGy) (1 megarad, Mrad). | Control of insects and/or microorganisms. |

* * * * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 20, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with

particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a wavier of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

*Effective date.* This regulation is effective April 18, 1985.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: April 12, 1985.

**Joseph P. Hile,**

*Associate Commissioner for Regulatory Affairs.*

[FR Doc. 85–9453 Filed 4–17–85; 8:45 am]

BILLING CODE 4160-01-M

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**21 CFR Part 179**

**[Docket No. 80F–0368]**

## Irradiation in the Production, Processing, and Handling of Food; Response to Submissions

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; final rule-related.

**SUMMARY:** The Food and Drug Administration (FDA) is responding to submissions filed in response to a rule that provided for the additional use of a source of gamma radiation to control microbial contamination in dried spices and vegetable seasonings.

**FOR FURTHER INFORMATION CONTACT:** Clyde A. Takeguchi, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of October 17, 1980 (45 FR 69044), FDA announced that a food additive petition (FAP OM3516) had been filed by Radiation Technology, Inc., Lake Denmark Rd., Rockaway, NJ 07866, proposing that § 179.22 *Gamma radiation for the treatment of food* (21 CFR 179.22) be amended to provide for the safe use of a cobalt-60 or a cesium-137 source of gamma radiation to reduce or control microbial contamination in spices, natural flavorings, and dehydrated vegetable seasonings by irradiating those foods at doses up to 10 kiloGary (1 megarad, Mrad).

In the **Federal Register** of July 5, 1983 (48 FR 30613), FDA issued a final rule amending § 179.22 to provide for the additional use of a source of gamma radiation to control microbial contamination in those dried spices and vegetable seasonings. The final rule provided a 30-day period for the filing of objections and requests for a hearing.

FDA received five submissions in response to that final rule: two from spice companies, two from trade associations, and one from a radiation equipment manufacturer. All submissions were generally supportive of the regulation and none requested a hearing.

One of the submissions specifically stated that it was not an objection, and FDA does not believe that any of the submissions constitutes a valid objection for the following reasons. All the submissions supported the final regulation; they did not specify with particularity any provision of the regulation to which they objected, as required by 21 CFR 12.22(a)(3). Rather, the submissions argued that the agency should expand the regulation; for example, to include additional spices, higher doses, or a different source of radiation. Such arguments are not relevant to the petition under consideration here. However, FDA is also conducting a general rulemaking on food irradiation that will deal comprehensively with all the issues raised in the submissions.

In the **Federal Register** of February 14, 1984 (49 FR 5714), FDA published a proposed regulation that would permit the use of low doses of radiation to control insects in food and to prevent the growth and maturation of fresh fruits and vegetables, and to increase the maximum permitted dose for dried spices and vegetable seasonings. The submissions in response to the July 5, 1983 regulation (48 FR 36013) raise issues that are currently under consideration in the general rulemaking initiated on February 14, 1984. Accordingly, these submissions will be treated as comments on the 1984 proposal, and FDA will respond to those comments in the preamble to the final regulation on food irradiation.

One of the submissions on the 1983 regulation questioned the need for labeling of retail packages, as required by 21 CFR 179.22 and 179.24 since 1966 (July 13, 1966; 31 FR 9491). A resolution of the labeling question is not appropriate in the context of the 1983 rulemaking discussed here, because, as stated earlier, the petition (FAP OM 3516) did not request that the labeling requirements be amended. However, FDA's February 14, 1984 proposed rule discussed the labeling issue and requested further comments on the appropriateness and usefulness of specific labeling approaches, as well as on the general labeling issue. FDA will consider this submission and other comments on the labeling issue in its final regulation on food irradiation.

This notice simply discusses submissions in response to the July 5, 1983 final rule. Because no proper objections or requests for a hearing were submitted, the effective date of the final regulation (July 5, 1983) is unaffected by this notice.

Dated: April 12, 1985.

**Joseph P. Hile,**

*Associate Commissioner for Regulatory Affairs.*

[FR Doc. 85–9454 Filed 4–17–85; 8:45 am]

BILLING CODE 4160-01-M

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**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 301**

**[T.D. 8020]**

## Procedure and Administration; Tax Shelter Registration

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Temporary regulations.

**SUMMARY:** This document contains temporary regulations relating to tax shelter registration. These regulations affect tax shelter organizers required to register tax shelters under section 6111. The changes made by these regulations are necessary because revised instructions to Form 8264, Application for Registration of a Tax Shelter, were issued on November 19, 1984.

**DATE:** These temporary regulations are effective April 18, 1985.

**FOR FURTHER INFORMATION CONTACT:** Cynthia L. Clark of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3828, not a toll-free call).

**SUPPLEMENTARY INFORMATION:**

**Background**

These amendments modify Treasury Decision 7964, published in the **Federal Register** for August 15, 1984 (49 FR 32712). T.D. 7964 provided regulations under section 6111 as enacted by the Tax Reform Act of 1984 (Pub. L. 98-369, 98 Stat. 678). In addition, the text of T.D. 7964 served as the text of proposed regulations cross referenced in the Notice of Proposed Rulemaking in the Proposed Rules section of the **Federal Register** for August 15, 1984 (49 FR 32728).

Section 301.6111-2T as added by T.D. 7964 provided supplemental questions and answers relating to instructions to Form 8264, Application for Registration of a Tax Shelter. On November 19, 1984, the Internal Revenue Service issued revised instructions to Form 8264, incorporating the substance of § 301.6111-2T. Because of the revised instructions, § 301.6111-2T is no longer necessary. Accordingly, these amendments remove § 301.6111-2T. The temporary regulations as amended by this document will remain in effect until superseded by additional temporary regulations or by final regulations on this subject.

**Executive Order 12291; Regulatory Flexibility Act**

The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. A general notice of proposed rulemaking is not required for temporary regulations. Accordingly, the temporary regulations are not subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

**Drafting Information**

The principal author of these regulations is Cynthia L. Clark of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participate in developing the regulations on matters of both substance and style.

**List of Subjects in 26 CFR Part 301**

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Statistics, Taxes, Disclosure of information, Filing requirements.

**Adoption of Amendments to the Regulations**

Accordingly, 26 CFR Part 301 is amended as follows:

**PART 301—[AMENDED]**

**§ 301.6111-2T [Removed]**

26 CFR Part 301 is amended by removing § 301.6111-2T.

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 6111 and 7805 of the Internal Revenue Code of 1954 (98 Stat. 678, 26 U.S.C. 6111; 68A Stat. 917, 26 U.S.C. 7805).

**Roscoe L. Egger, Jr.,**

*Commissioner of Internal Revenue.*

Approved: March 27, 1985.

**Ronald A. Pearlman,**

*Assistant Secretary of the Treasury.*

[FR Doc. 85-9399 Filed 4-17-85; 8:45 am]

**BILLING CODE 4830-01-M**

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 100**

**[CGD3 84-74]**

## Regatta; Empire State Regatta, Albany, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** Special Local Regulations are being adopted for the Empire State Regatta being sponsored by the Capital Rowing Club, Inc. of New Scotland, New York. This event will be held on June 8-9, 1985 between the hours of 9:00 a.m. and 6:00 p.m. daily. This regulation is needed to provide for the safety of participants and spectators on navigable waters during the event.

**EFFECTIVE DATE:** This regulation becomes effective on June 7, 1985 at 6:00 a.m. and terminates on June 10, 1985 at 6:00 a.m.

**FOR FURTHER INFORMATION CONTACT:** Lt. D. R. Cilley, (212) 668-7974.

**SUPPLEMENTARY INFORMATION:** On December 13, 1984 the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for this regulation (49 FR 48574). Interested persons were requested to submit comments and one comment was received.

**Drafting Information**

The drafters of this regulation are Lt. D.R. Cilley, Project Officer, Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

*Discussion of Regulations*

The Empire State Regatta is sponsored by the Capital Rowing Club, Inc. of New Scotland, New York on behalf of the United States Rowing Association. This special crew racing event will serve as the 1985 Northeast Regional Championships. The races will be held on a 2000-meter course on the Hudson River in Albany, New York. Approximately 250 crew shells, ranging in size from 26 to 68 feet in length will race in heats throughout the day from 9:00 a.m. to 6:00 p.m. on both days. The race course will consist of 6 lanes marked by 7 rows of buoys anchored to the bottom of the river. Small fluorescent buoys will be set in the river on June 7, 1985 and will be removed during the evening of June 9, 1985. Several of these buoys will be lighted so as to mark the corners of the race course. The sponsor shall provide several vessels which will assist the Coast Guard Patrol Commander in controlling the event and spectator craft. The sponsor will provide vessels to patrol the north, south and western edge of the race course. The sponsor will also provide vessels to escort spectator/transiting vessels through the race course area. The Coast Guard intends to restrict vessel movement within this section of the Hudson River during this event to provide for the safety of the participants and spectators on navigable waters. Vessels less than 20 meters in length will be allowed to transit the regulated area under escort at no wake speeds at specified intervals (approximately every 2 hours) throughout each race day as directed by the Coast Guard Patrol Commander. At all other times during the effective period the sponsor will provide patrol vessels to escort vessels less than 20 meters in length along the eastern edge of the Hudson River through the regulated area at frequent intervals so as to not inconvenience transiting vessels. Larger vessels will not be allowed to pass through the regulated area at any time during the effective period unless in an emergency and authorized by the Coast Guard Patrol Commander. The Coast Guard Captain of the Port of New York has contacted

numerous commercial/oil facilities along the Hudson River, north of the regulated area, asking their cooperation in scheduling any vessel transits so as not to interfere with this event. Mariners are urged to use extreme caution when transiting the regulated area. The Coast Guard will issue a safety voice broadcast and this regulation will be published in the Local Notice to Mariners to advise the general public and commercial users on the Hudson River of the event.

**Discussion of Comments**

Interested parties were encouraged to comment on the proposed regulation. One comment was received. The sponsor of this event made several suggestions concerning the method by which vessels would be escorted through the regulated area. The sponsor suggested that vessels be required to transit the regulated area under escort at all times during the effective period. This change should not adversely impact the vessels that would normally be passing through this section of the river. It is being made so as to avoid incidents which might cause injury or damage to the transiting vessels, their occupants and the race course buoy system. The sponsor had previously agreed to provide vessels to escort other vessels through the regulated area during scheduled breaks between heats of the crew races. The sponsor will now provide this service while the buoy system is being set up, taken down and after each day of races. Vessels headed for or departing the Albany Yacht Club will also be required to transit the regulated area under escort. The sponsor will provide a contact person at the yacht club who will arrange for an escort patrol vessel. All vessels will be escorted along the eastern shore of the Hudson River. Tension cables will run from the race course to the north, south and west. The lack of cables to the east will allow transiting vessels to use the entire amount of charted depth of water to safely navigate their vessels through the regulated area. The sponsor has assured the Coast Guard that they will provide enough patrol vessels to ensure transiting vessels will not be unduly delayed while waiting for escort through the regulated area.

**Economic Assessment and Certification**

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large spectator crowd along the shores of the Hudson River which should compensate certain area merchants for the inconvenience of having navigation restricted. Smaller craft will be allowed to transit the regulated area under escort at specified times throughout the effective period. A phone survey of commercial facilities who rely on the river to move their product indicates that there is not a lot of traffic which would be inconvenienced by this closure of the river. Only 7 commercial vessels passed through this portion of the river during a 7-day period in early June, 1984. Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water).

**Final Regulation**

**PART 100—[AMENDED]**

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended by adding a temporary § 100.35–313 to read as follows:

**§ 100.35–313 Empire State Regatta, Albany, New York.**

(a) *Effective Dates:* This regulation will be effective from 6:00 a.m. on June 7, 1985 to 6:00 a.m. on June 10, 1985.

(b) *Regulated Area:* That section of the Hudson River between the Route I–90 Interchange Bridge on the north and the northern end of Culver Dike on the south.

(c) *Special Local Regulations:* (1) The regulated area shall be intermittently closed to all vessel traffic from 6:00 a.m. June 7, 1985 to 6:00 a.m. June 10, 1985 except as specified below or as directed by the Coast Guard Patrol Commander.

(2) Vessels greater than 20 meters in length shall not transit the regulated area at any time during the effective period unless directed by the Coast Guard Patrol Commander.

(3) Vessels less than 20 meters in length may transit the regulated area under escort as specified in paragraphs (4)–(6) of this section. Unless otherwise directed by the Coast Guard Patrol Commander transiting vessels shall at all times: Proceed at no wake speeds, remain clear of the race course areas as marked by the sponsor-provided buoys, not interfere with races or any shells in the area, make no stops and keep to the eastern edge of the Hudson River.

(4) From 9:00 a.m. to 6:00 p.m. on both June 8 and 9, 1985 vessels permitted to transit shall be escorted by a sponsor provided patrol vessel at specified intervals (approximately every 2 hours) or as directed by the Coast Guard Patrol Commander.

(5) At times other than those specified in paragraph (4), vessels permitted to transit shall also do so under the escort of a sponsor provided patrol vessel. The sponsor shall ensure that these vessels are escorted through the regulated areas as expeditiously as possible.

(6) During the effective period vessels approaching or departing the Albany Yacht Club shall be escorted through this portion of the regulated area. Escort shall be arranged by contacting the sponsor's representative at the yacht club.

(7) No person or vessel shall anchor or remain in the regulated area during the effective period unless participating in the event or authorized by Coast Guard patrol personnel.

(8) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(9) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navigation of a vessel.

(ii) $500 for the owner of a vessel actually on board.

(iii) $250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

(33 U.S.C. 1233; 49 U.S.C. 108(b); 49 CFR 1.46(b) and 33 CFR 100.35)

Dated: April 9, 1985.

**P.A. Welling,**

*Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.*

[FR Doc. 85–9358 Filed 4–17–85; 8:45 am]

BILLING CODE 4910–14–M

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**33 CFR Part 165**

**[COTP Louisville, Ky., Regulation 85–10]**

**Safety Zone Regulations; Louisville, KY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Emergency rule.

**SUMMARY:** The Coast Guard is establishing a safety zone for the Ohio River mile 603.5 to 604.4. The zone is needed to protect all vessels and spectators observing the Kentucky Derby Festival from a safety hazard associated with launching of fireworks from a barge. Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATES:** This regulation becomes effective at 8:30 p.m. on 28 April 1985. It terminates at 11:30 p.m. on 28 April 1985. Times given are local time.

**FOR FURTHER INFORMATION CONTACT:** LTJG Tunstall at (502) 582-5194.

**SUPPLEMENTARY INFORMATION:** A notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent possible damage to the vessels involved.

### Drafting Information

The drafters of this regulation are LTJG Tunstall (502) 582-5194, Project Officer for the Captain of the Port, and LT Kilroy, Project Attorney, Second Coast Guard District Legal Office.

### Discussion of Regulation

The event requiring this regulation will begin at 9:00 p.m. and end at 11:00, 28 April 1985. A display of fireworks will be launched from a tow/barge combination located at mile 604.0, Ohio River. The river closure is needed to protect river traffic and spectators.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

### Regulation

## PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new 33 CFR 165.T0206 to read as follows:

### § 165.T0206 Safety Zone: All waters of the Ohio River from mile 603.5 to 604.4.

(a) *Location.* The following area is a safety zone: All waters of the Ohio River from mile 603.5 to 604.4.

(b) *Regulations:*

(1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited, unless authorized by the Captain of the Port.

(2) The Captain of the Port's representative may be contacted on VHF radio channel 16 during the race.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: April 9, 1985.

**L.J. Beach, LCDR,**

*Alternate Captain of the Port, Louisville, Kentucky.*

[FR Doc. 85-9368 Filed 4-17-85; 8:45 am]

**BILLING CODE 4910-14-M**

## 33 CFR Part 165

**[COTP San Diego Regulation 85-05]**

## Safety Zone Regulations; San Clemente Island, CA, Pacific Ocean

**AGENCY:** Coast Guard, DOT.

**ACTION:** Emergency rule.

**SUMMARY:** The Coast Guard is establishing a safety zone in the vicinity of West Cove, San Clemente Island, California. This safety zone is being established at the request of the United States Navy and is needed to protect an underwater cable array in that location from damage due to vessels anchoring in this location. Vessels may transit this zone without restriction, but are prohibited from anchoring in this zone.

**EFFECTIVE DATES:** This regulation becomes effective on April 18, 1985. It terminates on August 16, 1985.

**FOR FURTHER INFORMATION CONTACT:** LT Steven P. Mojonnier, USCG, c/o U.S. Coast Guard Captain of the Port, 2710 N. Harbor Drive, San Diego, CA 92101, telephone (619) 293-5860.

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking (NPRM) was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent damage to the underwater cable array.

### Drafting Information

The drafters of this regulation are LT Steven P. Mojonnier, project officer for the Captain of the Port, and LT Catherine McNally, project attorney, Eleventh Coast Guard District Legal Office.

### Discussion of Regulation

In September 1984, the U.S. Navy established an underwater cable array in West Cove, San Clemente Island. This cable array is highly susceptible to damage from vessels anchoring in the area. Since the cable array was established, the operator of the cable array has had difficulty controlling vessels anchoring in the area. The U.S. Navy has requested that the U.S. Army Corps of Engineers establish a restricted area in this location, under the authority of section 1, Title 33, United States Code (U.S.C.) to protect the cable array. This rulemaking will take at least 4 months to accomplish. In the meantime, the U.S. Navy has requested that the Captain of the Port of San Diego establish a temporary safety zone in this location, under the authority of Title 33, Code of Federal Regulations, Part 165, to protect the cable array until the restricted area can be established. Vessels may transit this area without restriction, but are prohibited from anchoring in the zone unless authorized by the Captain of the Port or the operator of the cable array, Commander, Anti-Submarine Warfare Wing, U.S. Pacific Fleet, San Diego, California.

It is anticipated that this regulation will have no significant impact on vessel operators in the area of San Clemente Island. Sufficient alternate anchorage areas are available to accommodate the vessels now anchoring in this area. These alternate areas are as close to shore and as convenient to use as the area of this zone.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

## PART 165—[AMENDED]

### Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.T1181 to read as follows:

### § 165.T1181 Safety Zone: San Clemente Island, California, Pacific Ocean.

(a) *Location:* The waters within the following boundaries are a safety zone:

Starting at a point on the shore of San Clemente Island at West Cove in position 33°00'52" N, 118°36'18" W, for a point of beginning thence southwesterly to 32°59'30" N, 118°37'30" W; thence southerly to 32°58'30" N, 118°36'40" W; thence northeasterly to 33°00'40" N; 118°35'27" W; thence generally westerly along the shore of San Clemente Island to the point of beginning.

(b) *Special Regulations:*

(1) All vessels may transit or navigate within the safety zone.

(2) No vessel may anchor within the safety zone without the permission of

the Captain of the Port or Commander, Anti-Submarine Warfare Wing, U.S. Pacific Fleet.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: April 5, 1985.

E.A. Harmes,

*Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.*

[FR Doc. 85-9361 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[KY-024; A-4-FRL-2821-1]

### Approval and Promulgation of Implementation Plans, Kentucky; Variances for Volatile Organic Compound Sources

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA is today approving variances for two dry cleaning establishments in Mitchell and Cold Springs, Kentucky. The variances will allow the two dry cleaners to continue to emit at current uncontrolled levels. The revisions will not interfere with the "Reasonable Further Progress" toward attainment of the ozone standard in this area. The revisions are supported by economic considerations. This action was proposed in the **Federal Register** on October 12, 1984, and no comments were received.

**DATE:** This action is effective May 20, 1985.

**ADDRESSES:** Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Kentucky Department for Environmental Protection, Fort Boone Plaza, Building 2, 18 Reilly Road, Frankfort, Kentucky 40601

Air Management Branch, EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Espy, Environmental Protection Agency, Region IV Air Management Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, telephone 404/881-3016 (FTS: 257-3016).

**SUPPLEMENTARY INFORMATION:** The Commonwealth of Kentucky adopted Volatile Organic Compound Regulations as part of their ozone State Implementation Plan on June 5, 1979. Regulations 401 KAR 59:240 and 61:160 provide for the control of volatile organic compound emissions from perchloroethylene dry cleaning systems. Variance provisions contained in these regulations allow for sources, on a case-by-case basis, to be excused from complying with the established emission limits contained in the regulation. These requests must be supported by adequate technical information due to technological or economic circumstances. The following variances were granted based upon economic hardship in complying with Reasonably Available Control Technology (RACT). RACT is defined as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Jiffy The Cleaners of Ft. Mitchell, Kentucky, a perchloroethylene dry cleaning plant, applied for a technical variance with the Kentucky Division of Air Pollution Control on April 27, 1983. A preliminary determination was made to grant the variance. A public hearing was held on August 17, 1983, and no comments were received. Under the provisions of Regulation 401 KAR 59:240, New Perchloroethylene Dry Cleaning Systems, Jiffy the Cleaners requested and received an economic variance from the Kentucky Division of Air Pollution Control. Kentucky submitted to EPA this proposed revision of the State Implementation Plan on August 12, 1984.

The Kentucky Division of Air Pollution Control based its economic evaluation on the method of analysis as set forth in the applicable Control Techniques Guideline (CTG) document (EPA-450/2-78-050). This particular document is related to the control of volatile organic compounds (VOC), specifically perchloroethylene, from all dry cleaning systems which use this solvent. The average cost for controls in the CTG was adjusted to reflect 1981 cost and was $448.00 per ton. Source control was then calculated based on the CTG, and cost calculations indicated the source would be required to spend $1,052.00 per ton to control. Thus, a more than two to one cost differential would have been incurred by the source to comply with the CTG. Further, the total emissions of VOC resulting from this variance will be 1.75 tons/year (TPY) uncontrolled emissions compared to 0.875 TPY, had this variance not been granted.

Hiland Cleaners applied for an economic variance for an existing perchloroethylene dry cleaning facility. The Kentucky Division of Air Pollution Control made a preliminary determination to grant the variance. A public hearing was held and no comments were made. The final determination of the Division was to approve an economic variance as provided for in section 7 of Regulation 401 KAR 61.160, Existing Perchloroethylene Dry Cleaning Systems. The economic variance allows for a maximum annual usage of perchloroethylene not to exceed 118 gal/yr. (0.80 tons/yr). Total emissions of VOC from this action will be 0.8 tons/yr uncontrolled compared to 0.4 had this variance not been granted. Furthermore, it was determined that the cost ($3,567.28/controlled ton of VOC's) was found to be beyond the range of reasonable available control technology cost.

It is the opinion of the Kentucky Division of Air Pollution Control that Jiffy The Cleaners and Hiland Cleaners are small and insignificant to the overall VOC control strategy in the northern Kentucky ozone nonattainment area. EPA agrees.

These variances were submitted to EPA as State Implementation Plan revisions on April 25, 1984. EPA proposed to approve them on October 12, 1984 (49 FR 40052); no comments were received.

### Final Action

EPA agrees that application of the presumptive norm in the CTG is not appropriate for these two facilities. Therefore, EPA is today giving full approval to the State's variances for Jiffy The Cleaners and Hiland Cleaners. This action is effective May 20, 1985.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirement of section 3 of Executive Order 12291.

Incorporation by reference of the Kentucky State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

### List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone.

Hydrocarbons, Incorporation by reference.

(Secs. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: April 12, 1985.

**Lee M. Thomas,**

*Administrator.*

**PART 52—[AMENDED]**

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

**Subpart S—Kentucky**

Section 52.920 is amended by adding paragraph (c)(44) as follows:

**§ 52.920 Identification of plan.**

* * * * *

(c) The plan revisions listed below were submitted on the date specified.

* * * * *

(44) Variances for two dry cleaners, Jiffy The Cleaners and Hiland Cleaners, submitted on April 25, 1984, by the Kentucky Natural Resources Environmental Protection Cabinet.

[FR Doc. 85-9428 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Part 52**

**[Region II Docket No. 52; A-2-FRL-2821-4]**

## Approval and Promulgation of Implementation Plans; Revision to the Commonwealth of Puerto Rico Implementation Plan

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This notice announces the Environmental Protection Agency approval under the provisions of the Clean Air Act of a revision to the Commonwealth of Puerto Rico Implementation Plan concerning a visible emissions variance for two emission units at the Sun Oil Company's plant located at Yabucoa. The variance raises the visible emissions limit as regulated under Commonwealth Rule 403, "Visible Emission," from 20 percent to 45 percent opacity for the "crude" unit, and from 20 percent opacity to 35 percent opacity for the "hot oil/final lube" unit.

**EFFECTIVE DATE:** This action will be effective June 17, 1985, unless notice is received by May 20, 1985, that someone wishes to submit adverse or critical comments.

**ADDRESSES:** All comments should be addressed to: Christopher J. Daggett, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the SIP revision are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

Environmental Qualify Board, 204 Del Parque Street, Santurce, Puerto Rico 00910.

**FOR FURTHER INFORMATION CONTACT:** William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Room 1005, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

**SUPPLEMENTARY INFORMATION:** On September 6, 1983, the Environmental Protection Agency (EPA) received from Puerto Rico a proposed revision to the Commonwealth's Implementation Plan. The Commonwealth requested that EPA approve a visible emissions variance which it issued to the Sun Oil Company plant located in Yabucoa under the provisions of Rule 301, "Variances Authorized," of its "Regulation for the Control of Atmospheric Pollution." The effect of this variance is to establish a maximum opacity limit of 45 percent for the crude unit at this plant and 35 percent for the hot oil/final lube unit.

Stack test data submitted in support of this variance showed that the 0.3 pounds of particulate matter per million British thermal units of heat input (lb/$10^6$ BTU) emissions limit contained in the Commonwealth's Regulation (Rule 406) would be met with these revised opacity limits. However, because of the nature of the Puerto Rico Implementation Plan, EPA determined that additional information in the form of an air quality impact anaylsis was needed. This was because, at these revised opacity limits, emissions were in excess of the amounts assumed in the air quality attainment demonstration for particulate matter which EPA approved on November 3, 1980 (45 FR 72655). In this dispersion modeling demonstration a particulate matter emissions rate of 0.08 grains per dry standard cubic foot (g/scf) was assumed to be approximately equivalent to the 20 percent opacity requirement of Rule 403, Section A.1. Rule 117 requires that if two emission limitations apply to a source, the more stringent of the two would be the controlling limit. In this case the 20 percent opacity (or 0.08 g/scf) is the more stringent and thus the controlling limit.

EPA notified the Puerto Rico Environmental Quality Board of the need for the additional analysis on December 30, 1983. In response, on April 5, 1984 a document entitled "Yabucoa Sun Oil Company Petition for Variance from Rule 403 of the RCAP, amended version" was submitted.

EPA has determined that the crude unit at the Yabucoa Sun Oil facility will meet a 0.08 g/scf emissions limitation at the proposed 45 percent opacity limit. However, this emissions limitation would be exceeded by the hot oil/final lube unit at the requested opacity of 35 percent. In this latter case, the applicant performed, and EPA verified, an air quality dispersion analysis which demonstrated that the two units would not cause or contribute to any air quality violations if the requested revised opacity limits were approved. On these bases EPA is today approving the requested opacity variances for the crude and hot oil/final lube units. In addition, to these revised limitations the source will still remain subject to the opacity limit of Rule 403(A)(2), which allows a 60 percent opacity for a period or periods of no more than four minutes in any 30 minute interval. It should be noted that the Sun Oil Yabucoa plant is located in an area of Puerto Rico classified under section 107(d) of the Clean Air Act as attainment for all pollutants.

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act and 40 CFR Part 51.

EPA is approving this SIP revision request without prior proposal because it is viewed as noncontroversial and no adverse comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), the Regional Administrator certifies that this SIP approval will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

**List of Subjects in 40 CFR Part 52**

Intergovernmental relations, Air pollution control agency, Particulate matter, Incorporation by reference.

(Secs. 110 and 301, Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Note.—Incorporation by Reference of the Implementation Plan for the Commonwealth of Puerto Rico was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 12, 1985.

**Lee M. Thomas,**

*Administrator, Environmental Protection Agency.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations, is amended as follows:

**Subpart BBB—Puerto Rico**

1. Section 52.2720 is amended by adding new paragraph (c)(33) as follows:

**§ 52.2720 Identification of plan.**

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(33) Revision submitted by the Puerto Rico Environmental Quality Board on September 6, 1983, which grants a visible emissions variance from Commonwealth Rule 403, "Visible Emissions," from 20 percent to 45 percent for the crude unit and from 20 percent to 35 percent for the hot oil/final lube unit located at the Yabucoa Sun Oil Company's plant in Yabucoa.

[FR Doc. 85-9423 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Part 52**

**[A-10-FRL-2820-9]**

## Approval and Promulgation of State Implementation Plans; Oregon

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA today approves amendments to the Oregon Department of Environmental Quality (ODEQ) rules for municipal incinerators and open field burning as revisions to the Oregon State Implementation Plan (SIP). These amended rules were submitted on January 16, 1984, and March 14, 1984, by ODEQ, after adequate opportunity for public, private and industry input.

**EFFECTIVE DATE:** June 17, 1985.

**ADDRESSES:** Copies of materials submitted to EPA may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch (10A-84-5), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 SW. Fifth, Yeon Building, Portland, Oregon 97207

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-4253 (FTS) 399-4253.

**SUPPLEMENTARY INFORMATION:**

### I. Plan Revisions

On January 16, 1984, ODEQ submitted amendments to its rules for refuse burning equipment (OAR 340-21-005, 025 and 027), which revise the emission limits applicable to small to medium-size municipal waste incinerators in the coastal areas of Oregon. These amendments relax emission limits for incinerators with capacities between 2.4 and 50 tons per day and tighten emission limits for incinerators with capacities greater than 50 tons per day. These new emission limits are consistent with the current actual emissions of the affected incinerators. On May 23, 1984, ODEQ submitted modeling results demonstrating that, under worst-case assumptions, the new allowable emission limits would not result in violations of the National Ambient Air Quality Standard or Prevention of Significant Deterioration increments for total suspended particulates (TSP). EPA is therefore approving the amended rules.

On March 14, 1984, ODEQ submitted amendments to its rules for open field burning in the Willamette Valley (OAR 340-26-001 through 045). These amendments completely restructure and revise the existing rules. However, the revisions are strictly procedural, and do not affect the amount of acreage allowed to be burned or the controls embodied in the EPA-approved smoke management plan.

EPA proposed the changes for approval on January 8, 1985 (50 FR 975). Therefore, EPA is approving the amended rules.

### II. Summary of Action

EPA has determined that the amended rules satisfy the requirements of the Act and is therefore proposing to approve the following as revisions to the Oregon SIP:

(1) Amended emission limitations for municipal waste incinerators in the coastal areas of Oregon, specifically: The addition of new definitions OAR 340-21-005 (1) and (4); an amendment to OAR 340-21-025(2)(b); and the addition of new emission limitations in OAR 340-21-027; and

(2) Amended rules for open field burning in the Willamette Valley, specifically: The addition of new sections 340-26-001 "Introduction," 340-26-003 "Policy," 340-26-031 "Burning by Public Agencies (Training Fires)," 340-26-035 "Experimental Burning," 340-26-040 "Emergency Burning, Cessation," and 340-26-045 "Approved Alternative Methods of Burning (Propane Flaming); revisions to sections 340-26-005 "Definitions," 340-26-013 "Acreage Limitations, Allocations," 340-25-015 "Daily Burning Authorization Criteria," 340-26-025 "Civil Penalties," and 340-26-030 "Tax Credits for Approved Alternative Methods and Approved Alternative Facilities; "the deletion of the existing section 340-26-010 "General Provisions" and replacing it with a new section 340-26-010 "General Requirements;" the deletion of the existing section 340-26-012 "Registration and Authorization of Acreage to be Open Burned" and replacing it with a new section 340-26-012 "Registration, Permits, Fees, and Records;" and the deletion of sections 340-26-011 "Certified Alternative to Open Field Burning," and 340-26-020 "Winter Burning Season Regulations."

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 17, 1985. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Secs. 110(a) and 301(a) of the Clean Air Act (42 U.S.C. 7410(a) and 7601(a)))

### List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide.

Dated: April 12, 1985.

**Lee M. Thomas,**

*Administrator.*

**Note.**—Incorporation by reference of the State Implementation Plan for the State of Oregon was approved by the Director of the Federal Register on July 1, 1982.

## PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

### Subpart MM—Oregon

1. In § 52.1970, paragraph (c)(69) is added as set forth below:

**§ 52.1970 Identification of plan.**

* * * * *

(c) * * *

(69) Amendments to the Refuse Burning Equipment Limitations rules, specifically OAR 340-21-005 (1) and (4), OAR 340-21-025(2)(b), and OAR 340-21-027, were submitted by the State Department of Environmental Quality on January 16, 1984; and amendments to the Open Field Burning rules, specifically, the addition of new sections 340-21-001, 340-26-003, 340-26-031, 340-26-035, 340-26-040 and 340-21-045, revisions to sections 340-26-005, 340-26-013, 340-26-015, 340-26-010 and replacing it with a new section 340-26-010, the deletion of the existing section 340-26-011 and 340-26-020, were submitted by the State Department of Environmental Quality on March 14, 1984.

[FR Doc. 85-9429 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

## 40 CFR Part 60

[A-7-FRL-2821-9]

## Standards for Performance for New Stationary Sources (NSPS); Delegation of Authority to the State of Nebraska

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of delegation of authority.

**SUMMARY:** This notice announces an extension of a previously-issued delegation of authority for the implementation and enforcement of the federal Standards of Performance for New Stationary Source (NSPS) regulation, 40 CFR Part 60. The action which involved EPA and the State of Nebraska added seventeen (17) NSPS source categories to the Nebraska/NSPS delegation of authority. Except for Kraft pulp mills, the delegation now addresses all source categories for which federal NSPS have been promulgated by the agency through June 1, 1984.

**EFFECTIVE DATE:** April 18, 1985.

**ADDRESS:** All requests, reports, applications, submittals and such other communications which are required to be submitted under 40 CFR Part 60 (including the notifications required to be submitted under Subpart A of the regulation) for affected facilities in Nebraska should be sent to the Nebraska Department of Environmental Control (NDEC), P.O. Box 94877, State House Station, Lincoln, Nebraska 68509. A copy of all Subpart A related notifications must also be sent to the attention of the Director, Air and Toxics Division, U.S. EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Charles W. Whitmore, Chief, Air Compliance Section, Air Branch, U.S. EPA, Region VII, at the above address (816/374-6525 or FTS: 758-6525).

**SUPPLEMENTARY INFORMATION:** Section 111(c) of the Clean Air Act allows the Administrator of the Environmental Protection Agency (i.e., EPA or the agency) to delegate to any state government authority to implement and enforce the standards of performance promulgated by the agency under 40 CFR Part 60. When a delegation is issued, the agency retains concurrent authority to implement and enforce the delegated standards. The delegation basically shifts the primary responsibility for implementation and enforcement of the standards from the agency to the state government.

On August 7, 1984, the agency and the State of Nebraska entered into a delegation of authority agreement whereby the State of Nebraska will automatically receive authority to implement and enforce federal standards of performance against affected facilities in Nebraska upon the adoption of the standards by the state government (see 50 FR 933).

Prior to August 7, 1984, Nebraska was delegated authority to implement and enforce the standards for 29 source categories in various delegation and extension of authority actions. These previous delegation and extension of authority actions were not affected by the action described below.

On January 11, 1985, the State of Nebraska revised Chapter 6 of the Nebraska Air Pollution Control Rules and Regulations to incorporate, by reference, seventeen (17) additional standards of performance promulgated by the agency. The NDEC subsequently informed the agency of the above action in a letter dated January 16, 1985.

The agency acknowledged the adoption and the corresponding delegation of authority actions in a letter to the NDEC on February 1, 1985. The delegation occurred under the terms of the above-mentioned August 7, 1984, automatic delegation of authority agreement.

Interested individuals are informed that, as of January 11, 1985, the State of Nebraska has EPA's authorization to implement and enforce the federally-established standards of performance for the following additional seventeen (17) source categories:

NSPS:

- Subpart CC—Glass Manufacturing Plants;
- Subpart EE—Surface Coating of Metal Furniture;
- Subpart KK—Lead Acid Battery Manufacturing Plants;
- Subpart LL—Metalic Mineral Processing Plants;
- Subpart MM—Automobile and Light-Duty Truck Surface Coating Operations;
- Subpart NN—Phosphate Rock Plants;
- Subpart PP—Ammonium Sulfate Manufacture;
- Subpart QQ—Graphic Arts Industry: Publication Rotogravure Printing;
- Subpart RR—Pressure Sensitive Tape and Label Surface Coating Operations;
- Subpart SS—Industrial Surface Coating: Large Appliances;
- Subpart TT—Metal Coil Surface Coating;
- Subpart UU—Asphalt Processing and Asphalt Roofing Manufacture;
- Subpart VV—Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry;
- Subpart WW—Beverage Can Surface Coating Industry;
- Subpart XX—Bulk Gasoline Terminals;
- Subpart GGG—Equipment Leaks of VOC in Petroleum Refineries; and,

Subpart HHH—Synthetic Fiber Production Facilities.

Effective immediately, all reports, correspondence, and such other communications that are required to be submitted under the NSPS regulation for facilities in Nebraska affected by the amended delegation of authority should be sent to the Nebraska Department of Environmental Control at the above address rather than to the EPA Region VII office, *except* as noted below.

A copy of each notification required to be submitted under 40 CFR Part 60, Subpart A, must *also* be sent to the attention of the Director, Air and Toxics Division, U.S. EPA Region VII, at the above address.

Each document and letter mentioned in this notice is available for public inspection at the EPA regional office.

This notice is issued under the authority of section 111 of the Clean Air Act, as amended (42 U.S.C. 7411).

Dated: March 29, 1985.

**William Rice,**

*Acting Regional Administrator.*

[FR Doc. 85-9420 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

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**40 CFR Parts 60 and 61**

**[A-7-FRL-2821-8]**

## Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); Changes of Address

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rulemaking.

**SUMMARY:** The EPA is today amending 40 CFR 60.4 and 40 CFR 61.04 to reflect changes of address.

**EFFECTIVE DATE:** April 18, 1985.

**FOR FURTHER INFORMATION CONTACT:** Charles W. Whitmore, Chief, Air Compliance Section, Air Branch, EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101 (816/374-6525 or FTS: 758-6525).

**SUPPLEMENTARY INFORMATION:** Sections 40 CFR 60.4 and 61.04, respectively, set forth the EPA regional offices and state agencies to which all requests, reports, applications, submittals, and other communications must be sent by owners and/or operators of facilities (or activities) affected by the federal Standards of Performance for New Stationary Sources (NSPS) or the National Emission Standards for Hazardous Air Pollutants (NESHAPS) regulations. The information given in 40 CFR 60.4 and 61.04 must be changed to reflect a change of address of the EPA, Region VII, office and a change of title of Iowa's air pollution control department.

The Administrator finds good cause for foregoing prior public notices of the amendments and for making this rulemaking effective immediately in that the amendments are an administrative change and not one of substantive content. No additional burdens are imposed upon the parties affected by the amendments.

This rulemaking is effective immediately and is issued under the authority of section 111 and section 112 of the Clean Air Act, as amended, 42 U.S.C. 7411 and 7412.

Dated: March 25, 1985.

**Morris Kay,**

*Regional Administrator.*

Parts 60 and 61 of Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

### PART 60—[AMENDED]

1. In § 60.4, the address of Region VII in paragraph (a) and the entry for the State of Iowa in paragraph (b)(Q) are amended to read as follows:

**§ 60.4 Address.**

(a) * * *

Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Toxics Division, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101.

(b) * * *

(Q) *State of Iowa:* Iowa Department of Water, Air and Waste Management, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319.

* * * * *

### PART 61—[AMENDED]

1. In § 61.04, the address of Region VII in paragraph (a) and the entry for the State of Iowa in paragraph (b)(Q) are amended to read as follows:

**§ 61.04 Address.**

(a) * * *

Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Toxics Division, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101.

(b) * * *

(Q) *State of Iowa:* Iowa Department of Water, Air and Waste Management, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319.

* * * * *

[FR Doc. 85-9421 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

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**48 CFR Parts 1506, 1515, and 1552**

**[FRL-2810-3]**

## Acquisition Regulation; Competition in Contracting

*Correction*

In FR Doc. 85-8583 beginning on page 14356 in the issue of Thursday, April 11, 1985, make the following corrections:

**1506.303-2 [Corrected]**

1. On page 14358, second column, 1506.303-2(b), sixth line, "procurements" should read "procurement".

**1506.371 [Corrected]**

2. On the same page, third column, 1506.371(d)(1), "CBO" should read "CBD".

**Subpart 1515.10 [Corrected]**

3. On page 14359, second column, second line of the subpart heading, "Protest" should read "Protests".

**1552.210-77 [Corrected]**

4. On page 14360, third column, 1552.210-77, under **Management Controlling Services (Apr 1985)**, fifth line, "the the" should read "of the".

BILLING CODE 1501-01-M

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 611**

**[Docket No. 41276-4176]**

## Foreign Fishing

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice to respecify fishery specifications.

**SUMMARY:** NOAA issues this notice to respecify joint venture processing (JVP) amounts in the foreign fishing regulations for the Hake Fishery of the Northwest Atlantic Preliminary Management Plan (PMP). The JVPs are specified for Georges Bank and Southern New England silver hake, and red hake on Georges Bank. The intended effect of the new specifications is to allow processing of joint venture applications for 1985.

**EFFECTIVE DATE:** April 18, 1985.

**FOR FURTHER INFORMATION CONTACT:** Peter D. Colosi, Jr., 617-281-3600, ext. 272.

**SUPPLEMENTARY INFORMATION:** NOAA published a notice of initial specifications on January 4, 1985 (50 FR 468), to present the optimum yield (OY),

domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), reserve, and total allowable level of foreign fishing (TALFF) for all foreign fisheries, including the hake fisheries conducted under the Northwest Atlantic PMP. These specifications were current as of January 1, 1985.

NMFS has received joint venture applications involving the Atlantic hakes and has reviewed the data. It reaffirms that the DAPs presented for all hakes except red hake in Northwest Atlantic areas 1–4 (Southern New England) are appropriate to satisfy the domestic processing sector, including projected activity in 1985 by newly operating catcher/processor vessels. Based on this review, NMFS respecifies appropriate amounts of JVP for Georges Bank and Southern New England silver hake, and transfers the reserve of red hake in NW Atlantic Area 5 to DAH and JVP. These respecifications do not modify the DAPs.

A separate notice is being issued to reassess the DAP for the Southern New England red hake stock under procedures of § 611.51(b).

The table published at 50 FR 468 (January 4, 1985) is revised as follows:

| Species | Species code | AREAS | OY or TAC | DAH | DAP | JVP | Reserve | TALFF |
|---|---|---|---|---|---|---|---|---|
| **1. NW Atlantic Ocean Fisheries** | | | | | | | | |
| A. Hake fisheries: | | | | | | | | |
| Hake, Silver | 104 | NW Atlantic 1–4 | 30,000 | 20,600 | 5,600 | 15,000 | 0 | 9,400 |
| | | NW Atlantic 5 | 13,000 | 9,000 | 2,000 | 7,000 | 0 | 4,000 |
| Hake, Red | 105 | NW Atlantic 5 | 6,000 | 3,500 | 500 | 3,000 | 0 | 2,500 |

**List of Subjects in 50 CFR Part 611**

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

**Authority:** 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

Dated: April 16, 1985.

**William G. Gordon,**

*Assistant Administrator for Fisheries National Marine Fisheries Service.*

[FR Doc. 85–9551 Filed 4–16–85; 4:55 pm]

BILLING CODE 3510-22-M

## 50 CFR Part 672

**[Docket No. 40302-21]**

## Groundfish of the Gulf of Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of modification of closure of sablefish fishery.

**SUMMARY:** Following the March 18, 1985, closure of the Southeast Outside District and the East Yakutat District of the Eastern Regulatory Area of the Gulf of Alaska to further sablefish fishing, the Director, Alaska Region, NMFS (Regional Director), has determined that the fishery did not fully harvest the amounts of sablefish available. The Secretary of Commerce therefore is modifying the closure notice by reopening this fishery for five days beginning at noon, April 16, 1985. This temporary reopening is necessary to allow full utilization of the sablefish resource. It is intended as a conservation and management measure to optimize the returns to the fishing industry.

**DATE:** This notice is effective from noon Alaska Daylight Time (A.D.T.), April 16, 1985, until noon A.D.T., April 21, 1985.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Berg, (Fishery Management Biologist, NMFS), 907–586–7230.

**SUPPLEMENTARY INFORMATION:** In accordance with § 672.20(b), the Regional Director issued a notice under § 672.22(a) prohibiting further fishing for sablefish in the Southeast Outside and East Yakutat Districts from noon, March 18, 1985, until midnight December 31, 1985 (50 FR 11368, March 21, 1985). The Regional Director took that action based on estimates of sablefish catches that had already been landed and sablefish that were projected to have been caught but not yet landed. From these estimates, the Regional Director calculated that a harvest near the upper end of the OY ranges of 470–1,435 mt and 850–1,135 mt, for the Southeast Outside and East Yakutat Districts, respectively, would be achieved on March 18, 1985.

Comments on that action were invited until April 2, 1985. Although no written comments were received, considerable interest was expressed by representatives of the fishing industry that the sablefish fishery should be reopened if information were submitted that indicated a shortfall in the harvest.

Following the closure, final catches were tabulated and catches per unit of effort (CPUE) were analyzed. The total 1985 catch in the Southeast Outside and East Yakutat Districts is now known to be 2,058 mt. This amount is smaller than the total 1984 catch of about 2,692 mt. The 1985 CPUE, calculated after the closure, is 0.67 pounds per hook. In 1984, the CPUE was about 0.62 pounds per hook during a similar period. The Regional Director has thus determined that the current size of the sablefish stock is at least as large as it was in 1984 when a much larger harvest occurred. Therefore, he has decided that an additional harvest should be allowed to fully utilize the sablefish resource.

In light of this information, and in accordance with § 672.22(b)(4)(iv), the Regional Director is modifying the notice of closure by reopening the sablefish fishery at noon A.D.T., April 16, 1985, until noon A.D.T., April 21, 1985, at which time the previously advertised closure will take effect until midnight, December 31, 1985.

This temporary reopening will be effective after this notice is filed for public inspection with the Office of the Federal Register and after it has been publicized for 48 hours through procedures of the Alaska Department of Fish and Game.

### Other matters

Conservation and management of sablefish in the Southeast Outside and East Yakutat Districts will be adversely affected unless this action takes effect promptly. The agency therefore finds for good cause that advance opportunity for public comment on this notice is contrary to the public interest and that its effective date should not be delayed.

This action is taken under § 672.22(a)(3)(ii) and (b)(4)(iv) and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information

request, as defined in the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 672

Fisheries.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 12, 1985.

Joseph W. Angelovic,

*Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.*

[FR Doc. 85-9280 Filed 4-15-85; 8:45 am]

BILLING CODE 3510-22-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

### 42 CFR Parts 400, 405, 412, 431, 433, 456, 460, 462, and 466

[HSQ-108-F]

### Medicare and Medicaid Programs; Utilization and Quality Control Peer Review Organization (PRO): Assumption of Medicare Review Functions and Coordination With Medicaid

*Correction*

In FR Doc. 85-9003 beginning on page 15312 in the issue of Wednesday, April 17, 1985, on page 15319, in the third column, the word "or" in the twelfth line should read, "not".

BILLING CODE 1505-01-M

# Proposed Rules

Federal Register
Vol. 50, No. 75
Thursday, April 18, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 870, 871, 872, and 873

### Basic Life Insurance, Standard Optional Life Insurance, Additional Optional Life Insurance and Family Optional Life Insurance

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Office of Personnel Management (OPM) proposes a further reduction in the premiums for Basic coverage effective the first pay period beginning on or after August 1, 1985. OPM is also proposing to amend its regulations to permit an open enrollment period from June 1 through July 1, 1985, during which time employees otherwise eligible to participate in the Federal Employees' Group Life Insurance (FEGLI) Program will have an opportunity to add to their existing coverages or to enroll in the Program if they have previously waived all coverage.

**DATE:** Comments must be received on or before May 20, 1985.

**ADDRESS:** Written comments may be sent to Jean M. Barber, Assistant Director for Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, Washington, D.C. 20044, or delivered to OPM, Room 4351, 1900 E Street, NW., Washington, D.C. 20415.

**FOR FURTHER INFORMATION CONTACT:** John Ray, (202) 254–7052.

**SUPPLEMENTARY INFORMATION:** We have monitored the experience of the FEGLI Program carefully since the substantial revisions to the Program brought about by Pub. L. 96–427, enacted on October 10, 1980. Based upon our review of the rates and claims experience from early 1981 through the end of 1983, we were able to reduce premiums for practically all levels of coverage effective in May 1984. More recently, we have incorporated fiscal year 1984's mortality and financial experience into the continuing analysis of the FEGLI rates and have found that the premiums for Basic coverage can be reduced still further. Therefore, we are reducing the rates for the Basic insurance coverage by approximately 9%, from $.22 per $1,000 of coverage to $.20 per $1,000 of coverage effective the first pay period beginning on or after August 1, 1985. Since no open enrollment period has been conducted since March 1981 and our most recent review of the FEGLI Program indicates that claims experience has more than sustained the new rates introduced in 1984, we believe employees should be given an opportunity to review their insurance needs and, if needed, either add to their existing coverages or enroll in FEGLI if they have previously waived all coverage.

We will not require a positive reenrollment of all FEGLI eligibles as we did during the March 1981 open enrollment period. Only those employees who wish to change their participation status or their levels of coverage will have to complete an election form. Previous waivers or declinations of coverage will not be canceled unless the employee submits a new election. Elections filed during the open enrollment period will become effective at the beginning of the first pay period which begins on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for at least 32 hours. Part-time employees will need to have been in a pay and duty status for one-half of the regularly-scheduled tour of duty indicated on their current SF's 50 for newly-elected coverage to become effective. This 1 month minimum waiting period between the date of the election and the effective date of coverage coupled with a strengthening of the length of time an employee must be in a pay and duty status before coverage can attach should provide an ample safeguard to the Program from adverse selection.

Detailed guidance will be provided agencies and employing offices in Federal Personnel Manual letters and bulletins concerning the reduction in the premium rates for Basic coverage, the open enrollment material which must be provided all eligible employees, and the shipping and distribution schedules.

OPM has determined that, in view of the need to commence decision-making on the proposal in June 1985, a 30-day comment period is appropriate. It will accord an adequate period of time for interested parties to comment on this proposal.

**E.O. 12291, Federal Regulation**

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

**Regulatory Flexibility Act**

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they would affect only Federal employees.

**List of Subjects**

*5 CFR Part 870*

Administrative practice and procedure, Government employees, Life insurance.

*5 CFR Part 871*

Administrative practice and procedure, Government employees, Life insurance.

*5 CFR Part 872*

Administrative practice and procedure, Government employees, Life insurance.

*5 CFR Part 873*

Administrative practice and procedure, Government employees, Life insurance.

Office of Personnel Management.

**Loretta Cornelius,**

*Acting Director.*

For the reasons set forth in the preamble, OPM is amending Parts 870, 871, 872, and 873 of Title 5 of the Code of Federal Regulations as follows:

1. The authority citation for Parts 870, 871, 872, and 873 continues to read as follows:

**Authority:** 5 U.S.C. 8716, unless otherwise noted.

## PART 870—BASIC LIFE INSURANCE

2. In § 870.203, a new paragraph (d) is added to read as follows:

**§ 870.203 Effective dates of insurance coverage.**

* * * * *

(d) An open enrollment election of basic life insurance filed during the period from June 1 through July 1, 1985, is effective on the first day of the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for at least 32 hours. A part-time employee will need to have been in a pay and duty status for one-half of the regularly-scheduled tour of duty indicated on his or her current Standard Form 50 for newly-elected coverage to become effective. An employee who has no regularly-scheduled tour of duty or who is employed on an intermittent basis will have to have been in a pay and duty status for one-half of the hours customarily worked before newly-elected coverage can become effective. For the purpose of this subsection, employing offices can determine the number of hours customarily worked by averaging the number of hours worked in the calendar year quarter ending June 30, 1985.

3. In § 870.204, a new paragraph (g) is added to read as follows:

**§ 870.204 Cancellation of waiver of insurance coverage.**

* * * * *

(g)(1) An open enrollment period will be held from June 1 through July 1, 1985, during which time employees otherwise eligible for coverage may cancel their existing waivers of coverage by affirmatively electing to be insured on a form designated by OPM.

(2) An employing office may make a determination, within 6 months after the June 1 through July 1, 1985 open enrollment period, that an employee was unable, for cause beyond his or her control, to cancel his or her then existing waiver of coverage by affirmatively electing to be insured during the 1985 open enrollment period. The employee shall be permitted to submit an affirmative election of coverage within 31 days after he or she is advised of that determination. Basic life insurance coverage in that case is retroactive to the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for a sufficient length of time, as specified in § 870.203(d), to acquire coverage. Failure on the part of the employee to file an election within the 31 days prescribed in this paragraph shall be deemed a waiver of all coverage.

4. In § 870.401, paragraphs (a), (b) and (f)(1) are revised to read as follows:

**§ 870.401 Withholdings and contributions.**

(a) Effective August 1, 1985, during each pay period in which an insured employee is in pay status for any part of the period, $0.20 for each $1,000 of the employee's BIA shall be withheld from the biweekly pay of the employee. The amount withheld from the pay of an employee who is paid on other than a biweekly basis is determined at a proportionate rate, adjusted to the nearest one-tenth of one cent.

(b) The amount withheld from the pay of an insured employee whose annual pay is paid during a period shorter than 52 workweeks is the sum obtained by converting the biweekly rate of $0.20 for each $1,000 of the employee's BIA to an annual rate and prorating the annual rate over the number of installments of pay regularly paid during the year.

* * * * *

(f)(1) Except as provided under paragraph (g) of this section, an insured person who elects continued basic life insurance coverage during receipt of annuity or compensation payments as provided under § 870.601(c)(2) or § 870.701(c)(2) (maximum reduction of 75 percent after age 65) shall have withheld from his or her payments basic life insurance withholdings at the monthly rate (for annuitants) of $0.433 for each $1,000 of the BIA or at the weekly rate (for compensationers) of $0.10 for each $1,000 of the BIA.

* * * * *

## PART 871—STANDARD OPTIONAL LIFE INSURANCE

5. In § 871.203, a new paragraph (c) is added to read as follows:

**§ 871.203 Effective date of insurance.**

* * * * *

(c) An open enrollment election of standard optional insurance filed during the period from June 1 through July 1, 1985, is effective on the first day of the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for at least 32 hours. A part-time employee will need to have been in a pay and duty status for one-half of the regularly scheduled tour of duty indicated on his or her current Standard Form 50 for newly-elected coverage to become effective. An employee who has no regularly-scheduled tour of duty or who is employed on an intermittent basis will have to have been in a pay and duty status for one-half of the hours customarily worked before newly-elected coverage can become effective. For the purpose of this subsection, employing offices can determine the number of hours customarily worked by averaging the number of hours worked in the calendar year quarter ending June 30, 1985.

6. In § 871.205, a new paragraph (g) is added to read as follows:

**§ 871.205 Cancellation of declination.**

* * * * *

(g)(1) An open enrollment period will be held form June 1 through July 1, 1985, during which time employees otherwise eligible for coverage may cancel their existing declinations of coverage by affirmatively electing to be insured on a form designated by OPM.

(2) An employing office may make a determination, within 6 months after the June 1 through July 1, 1985 open enrollment period, that an employee was unable, for cause beyond his or her control, to cancel his or her then existing declination of coverage by affirmatively electing to be insured during the 1985 open enrollment period. The employee shall be permitted to submit an affirmative election of coverage within 31 days after he or she is advised of that determination. Standard optional insurance coverage in that case is retroactive to the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for a sufficient length of time, as specified in § 871.203(c) to acquire coverage. Failure on the part of the employee to file an election within the 31 days prescribed in this paragraph shall be deemed a declination of standard optional insurance.

* * * * *

## PART 872—ADDITIONAL OPTIONAL LIFE INSURANCE

7. In § 872.203, a new paragraph (c) is added to read as follows:

**§ 872.203 Effective date of insurance.**

* * * * *

(c) An open enrollment election of additional optional insurance filed during the period from June 1 through July 1, 1985, is effective on the first day of the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for at least 32 hours. A part-time employee will need to have been in a pay and duty status for one-half of the regularly-scheduled tour of duty indicated on his or her current Standard Form 50 for newly-elected coverage to become effective. An employee who has no regularly-scheduled tour of duty or who is employed on an intermittent

basis will have to have been in a pay and duty status for one-half of the hours customarily worked before newly-elected coverage can become effective. For the purpose of this subsection, employing offices can determine the number of hours customarily worked by averaging the number of hours worked in the calendar year quarter ending June 30, 1985.

8. In § 872.205, paragraph (d) is added to read as follows:

* * * * *

**§ 872.205 Cancellation of declination.**

(d)(1) An open enrollment period will be held form June 1 through July 1, 1985, during which time employees otherwise eligible for coverage may cancel their existing declinations of coverage by affirmatively electing to be insured on a form designated by OPM.

(2) An employing office may make a determination, within 6 months after the June 1 through July 1, 1985 open enrollment period, that an employee was unable, for cause beyond his or her control, to cancel his or her then existing declination of coverage by affirmatively electing to be insured during the 1985 open enrollment period. The employee shall be permitted to submit an affirmative election of coverage within 31 days after he or she is advised of that determination. Additional optional insurance coverage in that case is retroactive to the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for a sufficient length of time, as specified in § 872.203(c) to acquire coverage. Failure on the part of the employee to file within the 31 days prescribed in this paragraph shall be deemed a declination of additional optional insurance.

## PART 873—FAMILY OPTIONAL LIFE INSURANCE

9. In § 873.203, a new paragraph (c) is added to read as follows:

**§ 873.203 Effective date of insurance.**

* * * * *

(c) An open enrollment election of family optional insurance filed during the period from June 1 through July 1, 1985, is effective on the first day of the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for at least 32 hours. A part-time employee will need to have been in a pay and duty status for one-half of the regularly-scheduled tour of duty indicated on his or her current Standard Form 50 for newly-elected coverage to become effective. An employee who has no regularly-scheduled tour of duty or who is employed on an intermittent basis will have to have been in a pay and duty status for one-half of the hours customarily worked before newly-elected coverage can become effective. For the purpose of this subsection, employing offices can determine the number of hours customarily worked by averaging the number of hours worked in the calendar year quarter ending June 30, 1985.

10. In § 873.205, paragraph (e) is added to read as follows:

**§ 873.205 Cancellation of declination.**

* * * * *

(e)(1) An open enrollment period will be held from June 1 through July 1, 1985, during which time employees otherwise eligible for coverage may cancel their existing declinations of coverage by affirmativley electing to be insured on a form designated by OPM.

(2) An employing office may make a determination, within 6 months after the June 1 through July 1, 1985 open enrollment period, that an employee was unable, for cause beyond his or her control, to cancel his or her then existing declination of coverage by affirmatively electing to be insured during the 1985 open enrollment period. The employee shall be permitted to submit an affirmative election of coverage within 31 days after he or she is advised of that determination. Family optional insurance coverage in that case is retroactive to the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for a sufficient length of time, as specified in § 873.203(c) to acquire coverage. Failure on the part of the employee to file an election within the 31 days prescribed in this paragraph shall be deemed a declination of family optional insurance.

* * * * *

[FR Doc. 85-9435 Filed 4-17-85; 8:45 am]
BILLING CODE 6325-01-M

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Parts 915 and 944

### Avocados Grown in South Florida and Imported Avocados; Proposed Grade and Container Marking Requirements

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This rule invites written comments on a proposal to increase the minimum grade requirement applicable to domestic shipments of Florida avocados and imports of avocados to U.S. No. 2 from U.S. No. 3. The proposal would also modify Florida avocado container marking requirements. The proposed action is designed to promote orderly marketing conditions for avocados in the interest of producers and consumers.

**DATES:** Comments due by May 3, 1985. Proposed effective date: May 13, 1985.

**ADDRESS:** Comments should be sent to: Docket Clerk, F&V, AMS, Room 2069-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

**SUPPLEMENTARY INFORMATION:** This proposed rule has been reviewed under Secretary's memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

The proposed Florida avocado requirements are issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed grade and container marking requirements applicable to Florida avocado shipments were unanimously recommended by the Avocado Administrative Committee which is established under the marketing order.

The proposal would require fresh shipments of Florida avocados, except those handled within the production area, to grade U.S. No. 2. The current minimum grade requirement (U.S. No. 3) specified in § 915.329 (49 FR 21697, 36359) expires April 30, 1985. Current maturity requirements in § 915.329 as to weight and diameter expire on April 30, 1985, and consideration as to future requirements will be addressed later in a separate document.

Fresh shipments of Florida avocados have remained fairly constant in recent years. During the five-year period 1979–80 through 1983–84 annual fresh shipments averaged 1,093,200 bushels. However, during this period there has been a steady decline in the season average price at the packinghouse level. Industry sources attribute this price decline to the variation in the quality of avocados offered to consumers and the general perception with the trade that Florida avocados are poor quality fruit. The current U.S. No. 3 grade requirement allows shipment of avocados which are seriously damaged, and which generally have a very poor appearance. The proposed increase in the minimum quality requirements is designed to assure shipment of avocados which are fairly well formed, clean, fairly well colored, and well trimmed, and free from serious damage caused by bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars, scab, sunburn, sunscald, sprayburn and other defects. Avocados possessing the characteristics of U.S. No. 2 or better fruit are preferred by the trade and consumers.

It is estimated that 85–90 percent of the 1985–86 Florida avocado crop will meet the proposed grade requirement. Fruit which fails to grade U.S. No. 2 may be handled within the production area or utilized in processed products, such as guacamole. In addition, the marketing order exempts from quality and other requirements individual shipments not exceeding 55 pounds of avocados.

The proposal would also modify container marking requirements in § 915.306 to require the marking of the grade of the fruit in letters and numbers at least 1¼ inch in height on the top and on 2 sides of the container lid. The proposal would also delete a current provision authorizing the marking of containers with a registered label, brand, or trademark registered with the committee as an alternative to marking the grade of the fruit on the container. The committee reports that the prosposed modification of the current container marking requirements is needed to enable the trade to more readily discern the grade of the fruit packed in the containers. The currently permitted alternative method of marking containers with a label, brand or trademark has caused confusion in the trade on the relationship between the numerous packing labels used by handlers and the quality of the fruit represented by a particular label.

Under the proposal, the changes in the Florida grade and container marking requirements would be made by amending § 915.306. Current requirements in § 915.306 pertaining to standard pack and lot stamping would continue in effect, but would be revised for clarity.

The proposed avocado import requirements are issued under section 8e (7 U.S.C. 608e–1) of the act. Section 8e of the act requires that when certain domestically produced commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements. Under the proposal, a new § 944.28 would be issued establishing a minimum grade of U.S. No. 2 for imported avocados. The current minimum grade of U.S. No. 3 for imported avocados expires April 30, 1985.

It is found that this proposed rule relative to Florida and imported avocados would tend to effectuate the declared policy of the act.

The proposed grade regulation would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Heretofore, grade regulations issued under the marketing order were made effective for a single marketing season. The proposed issuance of a grade regulation which would continue in effect from marketing season to marketing season reflects the fact that grade regulations change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, the proposed action could result in a reduction in operational costs to the committee and the government. Although the proposed regulation would be effective for an indefinite period, the committee would continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of Florida avocados would tend to effectuate the declared policy of the act.

**List of Subjects**

*7 CFR Part 915*

Marketing agreements and orders, Avocados, Florida.

*7 CFR Part 944*

Food grades and standards, Imports, Avocados.

## PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Under the proposal, § 915.306 would be revised to read as follows:

**§ 915.306 Florida Avocado Grade, Pack, and Container Marking Regulation.**

(a) On and after May 13, 1985, no handler shall handle any variety of avocados grown in the production area, except for avocados handled within the production area in containers other than those authorized in § 915.305, unless:

(1) Such avocados grade at least U.S. No. 2.

(2) Such avocados are packed in containers in accordance with standard pack.

(3) Such avocados are in containers marked with the grade of the fruit in letters and numbers at least 1¼ inch in height on the top and 2 sides of the lid of the container.

(4) Such avocados are in containers marked with the Federal-State Inspection Service lot stamp number.

(b) The provisions of paragraphs (a)(2), (a)(3), and (a)(4) of this section shall not apply to individual packages of avocados weighing 4 pounds or less, net weight, in master containers.

(c) Terms pertaining to grades and standard pack mean that the same as those defined n the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069).

## PART 944—FRUITS; IMPORT REGULATIONS

Unde the proposal a new § 944.28 would be added to read as follows:

**§ 944.28 Avocado Import Regulation 36.**

(a) Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited on and after May 13, 1985, unless such avocados grade at least U.S. No. 2, as such grade is defined in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069). Such grade requirement is the same as that specified in § 915.306 for avocados

grown in South Florida under M.O. 915 (7 CFR Part 915).

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) and in accordance with the regulation designating inspection services and procedure for obtaining inspection and certification (7 CFR 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any person may import up to 55 pounds of avocados exempt from the requirements specified in this section.

(e) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditoning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of such lot borne by the importer.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 15, 1985.

**Thomas R. Clark,**

*Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc. 85–9386 Filed 4–17–85; 8:45 am]

BILLING CODE 3410-02-M

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## 7 CFR Part 1032

**[Docket No. AO–313–A33]**

## Milk in the Southern Illinois Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of public hearing on proposed rulemaking.

**SUMMARY:** The hearing is being held to consider a proposal by six cooperative associations to amend the Southern Illinois milk marketing order. The proposal would establish under that order for plants in the St. Louis, Missouri, metropolitan area the same Class I price that applied at such plants under the former St. Louis-Ozarks order. The latter order was terminated on April 1, 1985. Proponents have requested expedited action on the price issue so as to continue to attract an adequate supply of milk to the St. Louis area.

**DATE:** The hearing will convene at 9:00 a.m., local time, on April 30, 1985.

**ADDRESS:** The hearing will be held at Henry VIII Inn and Lodge, 4690 N. Lindbergh, Bridgeton, Missouri (St. Louis Co.) 63044.

**FOR FURTHER INFORMATION CONTACT:** John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2089.

**SUPPLEMENTARY INFORMATION:** This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at Henry VIII Inn and Lodge, 4690 N. Lindbergh, Bridgeton, Missouri 63044, beginning at 9:00 a.m., local time, on April 30, 1985, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Illinois marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to Proposal No. 1.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act (Pub. L. 96–354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

**List of Subjects in 7 CFR Part 1032**

Milk marketing orders, Milk, Dairy products.

The authority citation for Part 1032 continues to read as follows:

**Authority:** Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

## PART 1032—[AMENDED]

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

*Proposed by Associated Milk Producers, Inc.; Land O' Lakes; Mid-America Dairymen, Inc.; Midwest Dairymen, Inc.; Prairie Farms Dairy, Inc., and Wisconsin Dairies:*

**Proposal No. 1**

Revise § 1032.52(a) (1) and (3) to read as follows:

**§ 1032.52 Plant location adjustments for handlers.**

(a) * * *

(1) At a plant in the southern zone; the city of St. Louis; Missouri; the Missouri counties of Jefferson, St. Charles and St. Louis, and the Illinois counties of Madison (except Alton township), Monroe and St. Clair; plus 7 cents.

(2) * * *

(3) At a plant outside the marketing area and the area specified in paragraph (a)(1) of this section, minus 15 cents if such plant is 100 or more miles from the city or village limits of Alton, Robinson, or Vandalia, Illinois, whichever is nearest, and minus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided*, That the adjustment at a plant outside the marketing area and in the State of Illinois south of the northernmost boundaries of the Illinois counties of Adams and Schuyler and at a plant in the Indiana counties of Fountain, Parke, Vermillion, and Warren shall be the same as for a pool plant located in the northern zone; and

* * * * *

*Proposed by the Dairy Division, Agricultural Marketing Service:*

**Proposal No. 2**

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing, and incorporate the March 21, 1985, equivalent price determination in § 1032.50(a) as a technical, nonsubstantive, modification to the order.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Donald R. Nicholson, P.O. Box 1485, Maryland Heights, Missouri 63043, or from the Hearing Clerk, Room, 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangements may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington Office only)
Office of the Market Administrator, Southern Illinois Marketing Area

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on April 12 1985.

William T. Manley,

*Deputy Administrator, Marketing Programs.*

[FR Doc. 85-9287 Filed 4-17-85; 8:45 am]

BILLING CODE 3410-02-M

## Office of the Secretary

## 7 CFR Part 3015

## Competition in the Awarding of Grants and Cooperative Agreements to Further Research, Extension, and Teaching Programs

**AGENCY:** Department of Agriculture, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This rule would amend 7 CFR part 3015, Subpart Q, by adding a new section to implement Secretary's Memorandum (SM) 5000-2, "Competition in the Awarding of Contracts, Grants, and Cooperative Agreements to Further Research, Extension, and Teaching Programs," dated August 13, 1984. SM 5000-2 sets forth the Department's policy regarding competition in the awarding of grants and cooperative agreements to further research, extension, or teaching programs in the food and agricultural sciences. This rule proposes to establish Departmentwide standards for carrying out the objective of USDA to support competition in the award of its grant and cooperative agreement activities.

**DATE:** Comments on this proposed rulemaking must be received on or before June 17, 1985.

**ADDRESS:** Interested persons should submit comments to Ms. Lyn Zimmerman, Office of Finance and Management, Financial Management Division, 201 14th Street SW., Room 2117-B, Auditors Building, Washington, D.C. 20250. (Telephone (202) 382-1553). Comments will be available for inspection at the above address from 8:30 a.m. to 5:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lyn Zimmerman, Supervisory Program Analyst, Office of Finance and Management, USDA, Room 2117-B, Auditors Building, 201 14th Street SW., Washington, D.C. 20250. (Telephone (202) 382-1553).

**SUPPLEMENTARY INFORMATION:**

### Classification

*Executive Order 12291*

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and John E. Carson, Director, Office of Finance and Management, has determined that this rule is "not major." The rule will not have an annual effect on the economy of $100 million or more, nor is it likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Because this rule will not affect the business community, it will not result in significant adverse effects on competition employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

*Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), any reporting and recordkeeping provisions in this proposed rule will be submitted to the Office of Management and Budget (OMB) and would not be effective until OMB has approved them.

### Regulatory Analysis

Although this rule may directly affect recipients of Federal assistance awards administered by the Department of Agriculture, it has been determined that this rule will not involve a substantial or major impact on the Nation's economy or large numbers of individuals or businesses. There will be no major increase in costs or prices to consumers, individuals, industries, Federal, State or local government agencies, or geographical regions. Additionally, John E. Carson, Director, Office of Finance and Management has certified that it will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601).

### Background

Section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318), confers general authority upon the Secretary of Agriculture to enter into contracts, grants, and cooperative agreements to further research, extension, or teaching Policy Act of 1977, it further authorizes the Secretary to enter into these contracts, grants, and cooperative agreements without competition.

Consequently, section 1472 allows an exception to the provisions of 31 U.S.C. 6301-6308, formerly the Federal Grant and Cooperative Agreement Act of 1977, which encourages competition in making grants and cooperative agreements. However, the Secretary has exercised discretion in this area by issuing policy which restricts an agency's authority to award grants and cooperative agreements without competition. The Secretary's policy provides that competition, to the maximum extent practicable, shall be sought in the award of USDA grants and cooperative agreements. To ensure the benefits of competition, the use of the authority granted by section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, amended, to enter into grants and cooperative agreements to further research, extension, or teaching programs in the food and agricultural sciences, without regard to any requirements for

competition, shall be limited to those instances where it can be determined that a noncompetitive award is in the best interest of the Government and necessary to the accomplishment of the research, extension, or teaching program. Therefore, USDA discretionary grants and cooperative agreements shall be entered into only after competition unless the awarding official makes a determination in writing that competition is not deemed appropriate for the particular transaction.

**Matters on Which Comments Are Invited**

Since there are no Governmentwide standards on competition in making grant and cooperative agreement awards, comments and suggestions for the effective implementation of this policy on competition are requested from the public. Specifically, USDA invites comments on:

—The manner in which policy is expressed in this proposed rule.
—Specific policies and areas which should be expanded upon under this proposal.
—Standards to be used in a competitive award process and factors to be considered in determining the appropriateness of competition for particular transactions.
—Whether this policy should apply to all discretionary grants or cooperative agreements or only to those made to further research, extension, or teaching programs in the food and agricultural sciences.

**List of Subjects in 7 CFR Part 3015**

Grant programs—agriculture, Intergovernmental relations.

Issued at Washington, D.C. April 11, 1985.

**John J. Franke, Jr.,**
*Assistant Secretary for Administration.*
**John R. Block,**
*Secretary of Agriculture.*

**PART 3015—[AMENDED]**

Accordingly, USDA proposes to amend Subpart Q of 7 CFR Part 3015 as follows:

1. The authority citation for part 3015 reads as follows:

Authority: 5 U.S.C. 301.

2. A new paragraph (d) is added to § 3015.150 as follows:

**Subpart Q—Application for Federal Assistance**

**§ 3015.150 Scope and applicability.**

* * * * *

(d) This subpart also prescribes standards for competition to be used by USDA agencies in awarding discretionary cooperative agreements and grants to further research, extension, or teaching programs in the food and agricultural sciences.

3. A new § 3015.158 is added as follows:

**§ 3015.158 Competition for research, extension and teaching programs.**

(a) *Standards for competiton.* Except as provided in paragraph (d) of this section, awarding agencies shall enter into grants and cooperative agreements to further research, extension, or teaching programs only after competiton. An awarding agency's competitive award process shall adhere to the following standards:

(1) Potential applicants must be invited to submit proposals through publications such as the **Federal Register**, professional trade journals, agency or program handbooks, the Catalog of Federal Domestic Assistance or any other appropriate means of solicitation. In so doing, agencies should consider the widest possible dissemination of project solicitations in order to reach the highest number of potential applicants.

(2) Proposals are to be evaluated objectively by independent reviewers in accordance with written criteria set forth by the awarding agency. Reviewers should make written comments, as appropriate, on each application. Independent reviewers may be from the private sector, another agency, or within the awarding agency, as long as they do not include anyone who has approval authority for the applications being reviewed or anyone who might appear to have a conflict of interest in the role of reviewer of applications. A conflict of interest might arise when the reviewer or the reviewer's immediate family members have been associated with the applicant or applicant organization within the past five years as an owner, partner, officer, director, employee, or consultant; has any financial interest in the applicant or applicant organization; or is negotiating or has any arrangement concerning prospective employment.

(3) Unsolicited applications shall be competed under the project solicitation it comes closest to fitting. When this is not feasible, the application should be submitted to an ad hoc independent review group for evaluation under criteria established by the awarding agency. Ad hoc reviewers will be determined to be independent in accordance with paragraph (a)(2) of this section. If, after evaluation, a noncompetitive award would be appropriate under the criteria of this section, an award may be made without competition. Otherwise, the solicitation should be returned to the applicant.

(b) *Project solicitations.* A project solicitation by the awarding agency shall include or reference the following as appropriate:

(1) A description of the eligible activities which the awarding agency proposes to support and the program priorities;

(2) Eligible applicants;

(3) The dates and amounts of funds expected to be available for awards;

(4) Evaluation criteria and weights, if appropriate, assigned to each;

(5) Methods for evaluating and ranking applications;

(6) Name and address where proposals should be mailed and submission deadline(s);

(7) Any required forms and how to obtain them;

(8) Applicable cost principles and administrative requirements;

(9) Type of funding instrument intended to be used (grant or cooperative agreement); and

(10) The *Catalog of Federal Domestic Assistance* number and title.

(c) *Approval of applications.* The final decision to award is at the discretion of the awarding/approving official in each agency. The awarding/approving official shall consider the ranking, and comments and recommendations from the independent review group, and any other pertinent information before deciding which applications to approve and their order of approval. Any appeals by applicants regarding the award decision should be handled by the grantor in accordance with the grantor's existing appeal procedures or good administrative practice and sound business judgment.

(d) *Exception.* The awarding official may make a determination in writing that competition is not deemed appropriate for the particular transaction. Such determinations shall be limited to transactions where it can be demonstrated that a noncompetitive award is in the best interest of the Government and necessary to the accomplishment of a research, extension, or teaching program. Reasons for considering a noncompetitive award include, but are not necessarily limited to the following:

(1) Nonmonetary awards of property or services;

(2) Awards of less than $50,000;

(3) Awards to fund continuing work already started under a previous award;

(4) Awards which cannot be delayed due to an emergency or a substantial danger to health or safety;

(5) Awards when it is impracticable to secure competition; or

(6) Awards to fund unique and innovative unsoliciated applications.

[FR Doc. 85-9389 Filed 4-17-85; 8:45 am]

BILLING CODE 3410-01-M

## Food Safety and Inspection Service

## 9 CFR Parts 318 and 381

[Docket No. 80-009 P]

## Accredited Laboratory Program

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend the Federal meat and poultry products inspection regulations to establish standards and procedures for the accreditation of non-Federal analytical chemistry laboratories that analyze official meat and poultry samples for (1) specific chemical residues or classes of chemical residues, and (2) moisture, protein, fat and salt content. The Agency anticipates that this action would increase the number of non-Federal analytical laboratories available to perform analyses, and consequently, would result in more timely analyses of official meat and poultry samples. A rule to establish an Accredited Laboratory Program was previously proposed. After consideration of comments submitted on that proposed rule, provisions have been added to the proposal concerning additional compliance procedures, including a probationary period for accredited laboratories out of compliance with the performance requirements of the rule and criteria to suspend or revoke accreditation; additional requirements for reapplying for accreditation; and statistical provisions for evaluating laboratory performance. Since these additions are substantial, the rule is being reproposed for additional comments. Comments are being solicited on the added provisions. Comments already submitted on the first proposal need not be resubmitted and will be addressed in the preamble of the final rule. However, additional comments on any part of this proposal can be submitted and will be considered.

**DATES:** Comments must be received on or before June 17, 1985.

**ADDRESSES:** Written comments to Regulations Office, ATTN: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture building, Washington, DC 20250. Oral comments as provided under the Poultry Products Inspection Act should be directed to Mr. Barth, (202) 447-5850. (See also "Comments" under **SUPPLEMENTARY INFORMATION.**)

**FOR FURTHER INFORMATION CONTACT:** Mr. H. James Barth, Staff Officer, Chemistry Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-5850.

**SUPPLEMENTARY INFORMATION:**

### Executive Order 12291

This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 to implement Executive Order 12291. The Food Safety and Inspection Service has determined that this proposed rule is not a "major rule" under the Executive Order. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or proves for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, nor will there be a significant adverse effect on competition, employment, investment, productivity, small entities, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The publication of this proposed rule should stimulate interest on the part of non-Federal analytical laboratories to participate in a cooperative laboratory program with the Federal Government because of certain advantages to industry. For example, private laboratories could normally supply test results more quickly than FSIS laboratories because of their proximity to plants requiring their services. The decreased turnaround time saves the plants money because they do not have to hold suspect product as long as would be required if FSIS laboratories conducted the testing. Additionally, the Accredited Laboratory Program should save the government money by reducing the number of tests USDA must perform.

### Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). Under the proposal, plants would have more options with regard to required laboratory analyses of product and could exercise the most expedient alternative. The ability to obtain more rapid test results would allow for quicker disposition of held suspect product, to the financial advantage of the plant involved.

Although a number of small plants and private laboratories would be affected by this proposal, there would be no significant economic impact. Participation in the program would be strictly voluntary. The principal effect of the proposal would be to offer cost-saving alternatives for laboratory testing.

### Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Office and should bear a reference to the docket number located in the heading of this document. Any person desiring opportunity for an oral presentation of views should make such request to Mr. Barth so that arrangements may be made for the presentation. A transcript shall be made of all comments presented orally. Comments submitted pursuant to this document will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

### Background

In order to assure compliance with departmental regulations promulgated under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), samples of meat and poultry products are periodically tested to determine protein, moisture, fat, and salt content. Residue analyses are also conducted.

Upon the finding of noncompliance, FSIS is required to take appropriate action against the processor of the noncompliant product. Depending upon the type of product and the severity of the noncompliance, such action may range from product reprocessing to litigation proceedings. Due to the critical nature of such testing, it is necessary for FSIS laboratories to maintain a high degree of integrity.

Prior to 1962, samples were principally analyzed by FSIS laboratories. However, in response to the meat and poultry industry's need for more rapid analytical results on official test samples, the Certified Laboratory Program for non-Federal chemistry laboratories was initiated in that year. In 1971, a "recognized status" for residue analysis was initiated for non-Federal chemistry laboratories when FSIS laboratory capacity was exceeded during a major polychlorinated biphenyl

contamination problem in poultry. Since then, "recognized status" has been extended to additional non-Federal laboratories for testing of other pesticide and drug residues in both meat and poultry and of nitrosamines in meat products.

A processor whose sample is to be analyzed generally has the option of using either an FSIS laboratory or a certified or recognized laboratory. The cost of FSIS analysis is borne by the government, while the cost of non-Federal analysis is borne by the processor. Due to the limited number of FSIS laboratories and their heavy workload, many processors prefer to use the non-Federal laboratories either for convenience of location or to obtain test results more quickly. Some non-Federal laboratories are separate entities while others are located in and owned by official establishments.

In order to become a certified or recognized laboratory, the non-Federal laboratory must meet certain standards required by FSIS. In addition, as alternatives to FSIS laboratories, non-Federal laboratories are expected to maintain the same degree of integrity as required of FSIS laboratories.

On November 7, 1980, the Food Safety and Inspection Service (FSIS), formerly the Food Safety and Quality Service, published a proposed rule in the **Federal Register** (45 FR 73947) to amend the Federal meat and poultry products inspection regulations. The Agency proposed: (1) To establish standards for the analytical chemical procedures to be performed on official meat and poultry samples by non-Federal chemistry laboratories, and (2) to consolidate standards and procedures formerly established under the Certified Laboratory Program and the Recognized Laboratory Program into one program, the Accredited Laboratory Program (ALP). On February 3, 1981, FSIS published a notice (46 FR 10500) reopening the comment period for an additional 30 days. This action was taken at the request of the American Meat Institute.

As a result of the comments received a number of changes have been made to the proposal. The rule is being reproposed primarily because of the addition of three new concepts. These are: statistical provisions concerning allowable differences in analytical results between laboratories; additional compliance procedures, including probation for accredited laboratories out of compliance with the performance requirements of the rule and criteria to suspend or revoke accreditation; and additional requirements for reapplying for accreditation. In addition, six major areas have been reconsidered:

(1) Education and experience requirements for laboratory supervisors;

(2) The time period allowed for check sample analyses and the frequency of check samples;

(3) The requirement that the laboratory provide at the time of application for accreditation, the name of the meat or poultry establishment that will be using its services;

(4) The time-period and requirements for reapplication after the withdrawal of accreditation;

(5) The method of payment for accredited laboratory use; and

(6) Proper identification of chemical residues.

**The Proposal**

The current proposal, like the earlier one, seeks to amend the Federal meat and poultry products inspection regulations by establishing standards for analytical chemical procedures performed by non-Federal laboratories, and to consolidate standards and procedures established under the Certified Laboratory and Recognized Laboratory Programs. The concepts which have been added since the original proposal was published are described below.

*1. Statistical Provisions*

A laboratory accredited to perform official food chemistry or chemical residue analysis must provide reliable and consistent analytical services. The following discussion presents the conceptual framework for the development of the statistical procedures for evaluating laboratory performance set forth in this rule. Specific statistical derivations, formulas, and examples are provided in the technical addendum to the rule, which can be obtained from the Regulations Office, FSIS, USDA, Room 2641 South Building, Washington DC, 20250.

*a. Laboratory Performance.* A laboratory cannot be expected to obtain identical results from the analysis of two homogeneous samples, regardless of its analytical capability. This within-laboratory variability is a function of differing analyst techniques, instrument variability, temperature fluctuation, variation inherent in analytical methods and sample preparation, and other conditions within the laboratory. This same laboratory cannot be expected to duplicate the analytical results obtained from a second laboratory of equivalent analytical capability. The causes of this latter discrepancy are very similar to those mentioned above but are points of differences between laboratories, rather than within a single laboratory. The statistical procedures for evaluating laboratory performance contained in this rule use laboratory comparison data to distinguish between laboratories whose analytical capability falls within acceptable limits and those laboratories whose analytical capability is substandard.

*b. Performance Characteristics.* The following performance characteristics collectively provide a reliable description of a laboratory's analytical capability: [1]

*(i) Systematic Laboratory Difference.* A comparison of a laboratory's analytical results with a second laboratory's results from homogeneous samples may show that, on the average, one of the laboratories obtains numerically greater results (or numerically smaller results) than the other. This consistent directional difference is referred to as a laboratory effect, or a systematic laboratory difference.

*(ii) Variability.* A laboratory experiences random fluctuations in its processes that cause its analytical results to deviate from a true value. This non-systematic laboratory variability reflects the overall level of precision at which the laboratory is performing.

*(iii) Pattern of Large Discrepancies.* A laboratory may have an acceptable systematic laboratory difference and variability, yet may periodically experience instances of undesirable performance (i.e., isolated results having high variability). Such instances might go undetected with the two characteristics already discussed because these are measuring average performance. Consequently, a "large discrepancy measure" is included in the assessment process to monitor the frequency and magnitude of individual large differences that may occur in the comparison of two laboratories.

Measures of the three characteristics presented above are used to assess the capability of laboratories performing official food chemistry analyses. Measures of the same characteristics are also used in the assessment of laboratories performing chemical residue analyses, but the nature of these analytical procedures requires the additional assessment considerations described below.

*(iv) Analytical Recovery.* The ability of a laboratory to recover a reasonable fraction of the substance in question is an important performance indicator.

[1] These characteristics replace the concepts of major and minor deviations presented in the original proposal.

Two types of analytical recovery are monitored.[1]

(a) *Quality Control (QC) Recovery:* the comparison of a laboratory's unadjusted analytical value of a quality control standard to the fortification level of the standard. This recovery provides immediate feedback to the analyst indicating whether the analytical process is in control.

(b) *Quality Assurance (QA) Recovery:* the comparison of a laboratory's unadjusted analytical value of a check sample residue to the residue level fortified by a second laboratory that prepared the sample. This recovery provides an assessment of a laboratory's ability to recover an acceptable portion of a chemical residue when the fortification level is unknown to the laboratory.

*(v) Proper Identification of Chemical Residues.* A laboratory is required to identify every chemical residue in a sample that is detected at a level equal to or greater than the associated minimum reportable level by every FSIS laboratory analyzing the sample. Failure to do so will be considered a misidentification. In addition, reporting the presence of a residue that is not reported by any of the FSIS laboratories analyzing the sample will also be considered a misidentification.

*c. Establishing Acceptable Levels of Performance.* Standards of performance for the characteristics discussed above have been developed so as to reflect the analytical capabilities observed in laboratories considered to be performing acceptable—FSIS laboratories and laboratories under contract to the Agency. Check sample results obtained through several years of controlled quality assurance programs among these laboratories were used to develop a standard statistical distribution of laboratory comparison data. Acceptable levels of performance are derived from this distribution in accordance with the following Operating Characteristics:

*(i) Initial Accreditation.* A laboratory performing at or above the minimally acceptable level has at least a 95 percent chance of accreditation. A laboratory performing at a substantially lower level has a correspondingly lower chance of accreditation.

*(ii) Maintaining Accreditation.* A laboratory performing at only a marginal level has a 50 percent chance of being put on probationary status (see "Definitions") or losing accreditation after at least 30 of its official sample results have been evaluated.[2] A laboratory performing at a substantially higher level has a correspondingly lower chance of being put on probationary status or losing accreditation within the same period, and the converse is true of a laboratory performing at a substantially lower level. Once on probation, the laboratory will be given an opportunity to demonstrate acceptable performance before its accreditation is removed.

*d. Evaluation Procedures.* Each laboratory that applies for accreditation (hereafter referred to as the "applying laboratory") is required to analyze a set of check sample as identical as possible to samples analyzed by an FSIS laboratory. Standardizing constants are used to transform the observed differences between the laboratories into measures called "standardized differences". This adjustment accounts for differing levels of variability that may be associated with product type, analyte, or level of analyte for food chemistry analytical procedures, and with residue type for chemical residue analytical procedures.

The standardized differences are used to evaluate the applying laboratory's performance capability as follows:[3]

(i) The average of the standardized differences provides an estimate of systematic laboratory's difference.

(ii) The standard deviation of the standardized differences provides an estimate of variability.

(iii) The average of the large discrepancy measures provides an estimate of the severity of periodic occurrences of high variability.

If any one of these estimates exceeds the acceptable level established for that particular performance characteristic, the laboratory's analytical capability is not considered acceptable for granting accreditation. The laboratory will be allowed a second chance to demonstrate acceptable analytical capability through analysis of another set of check samples.

Laboratories applying for accreditation to perform chemical residue analysis must also meet the minimum acceptable levels of quality assurance and quality control recoveries, and must have no residue misidentifications in the set of initial accreditation check samples.

Each laboratory that receives accreditation (hereafter referred to as the "accredited laboratory") will have a percentage of its official samples split and analyzed by an assigned FSIS laboratory.[4] Comparisons of the resulting matched analytical results are used to monitor the ongoing performance of the laboratory. These data will be supplemented by accreditation maintenance check samples supplied periodically by FSIS to each laboratory. (Laboratories accredited to perform food chemistry analysis will receive these check samples only if an insufficient number of split samples are available to evaluate the laboratory.)

This ongoing evaluation of the accredited laboratory involves observing results from the laboratory's analytical processes over time. A laboratory's performance is likely to fluctuate because of random and possibly systematic changes in equipment, analytical procedures, environment, etc. In contrast to applying laboratories which are evaluated through one large set of check samples analyzed in a relatively short period of time (i.e., several days), the data for evaluation of an accredited laboratory's performance are provided through the periodic selection of small numbers of samples over long periods of time. Therefore, although the characteristics used to describe the ongoing performance of an accredited laboratory are the same as in initial accreditation (i.e., systematic laboratory difference, variability, and pattern of large discrepancies), a statistical method sensitive to trends is now required to evaluate performance.

A simple and convenient statistical procedure called cumulative summation, or CUSUM, is able to track the behavior of an accredited laboratory's analytical performance over time. This technique does not directly measure a laboratory's systematic laboratory difference, variability, or pattern of large discrepancies. It is a control procedure designed to "signal", or identify, when a laboratory's performance becomes unacceptable. Charts of CUSUM values can serve as diagnostic indicators to detect trends or high levels of variability occurring in a laboratory.

The four CUSUM procedures described below are used to monitor the ongoing analytical performance of an accredited laboratory. Each CUSUM is based on the standardized differences between the accredited laboratory's

[1] The time period to obtain 30 analytical results for the more active laboratories is expected to be approximately 6 months.

[3] An analytical result reported by a laboratory applying for accreditation to perform chemical residue analysis will only be used in the statistical evaluation of the laboratory if the average of the matching results from all FSIS laboratories analyzing the sample indicate that the residue is present at a level equal to or greater than the minimum proficiency level for that residue.

[4] This percentage depends on the volume of official samples analyzed by the accredited laboratory and on the laboratory's performance history.

results and the matching results of the assigned FSIS laboratory on split or check samples.[5]

These CUSUMs collectively provide an overall picture of a laboratory's analytical capability, with no one CUSUM exclusively tracking any single performance characteristic. (In other words, although each CUSUM is oriented to react to trends in one specific evaluation component as indicated by its name, trends in a combination of such components could cause a CUSUM to "signal".)

*(i) Positive Systematic Laboratory Difference CUSUM.* Monitors how consistently an accredited laboratory gets numerically greater results than an assigned FSIS laboratory.

*(ii) Negative Systematic Laboratory Difference CUSUM.* Monitors how consistently an accredited laboratory gets numerically smaller results than an assigned FSIS laboratory.

*(iii) Variability CUSUM.* Monitors the average "total discrepancy" (i.e., the combination of random fluctuations and systematic differences) between an accredited laboratory's results and those of an assigned FSIS laboratory.

*(vi) Individual Large Discrepancy CUSUM.* Monitors the magnitude and frequency of large differences between the results of an accredited laboratory and those of an assigned FSIS laboratory.

If any one of these CUSUMs reaches a level exceeding that considered acceptable, there is sufficient evidence that the laboratory is not maintaining a level of performance adequate for the reliable analysis of official samples. The laboratory will be either put on probationary status or lose its accreditation, depending on its performance history (see probation section).

Laboratories accredited for the analysis of chemical residues must also maintain the minimum acceptable levels of quality assurance and quality control recoveries, and all proper identification requirements.

*e. Quality Control/Quality Assurance procedures.* A laboratory that has met the established analytical requirements for accreditation must actively participate in maintaining its acceptable performance. Frequent sample analyses alone are not sufficient to ensure reliable analytical results; the laboratory must continuously monitor and control its own within-laboratory variability. The implementation of a well-organized and systematic quality control plan to provide periodic checks on analyst performance, precision of instrumentation, sample preparation, critical points in standard preparation, recovery levels, and other sources of analytical variability is crucial to the laboratory's ability to maintain an acceptable performance level. Therefore, an accredited laboratory will be required to maintain laboratory quality control records for the three most recent years that samples have been analyzed under the Accredited Laboratory Program. These records will include the determination of all quality control recoveries associated with the analysis of official samples, and must be made available for review upon request by a duly authorized representative of the Secretary.

In addition, FSIS routinely conducts a quality assurance check sample program among its own laboratories and the laboratories with which it contracts. This program is designed to ensure that the level of performance that will be required of applying and accredited laboratories is being met and generally exceeded by those laboratories used as the standards of comparison in the evaluation process.

*2. Compliance Provisions*

The concept of a probationary status has been added to the original proposal by the Administrator. If a laboratory's results fail to meet the specific statistical requirements defined in this rule, the laboratory will either be (1) put on probationary status if at least one year has passd since the end of a previous probation, or (2) have its accreditation revoked if less than one year has passed since the end of a previous probation. A laboratory in a probationary status will be required to analyze a set of check samples similar to those sent for initial accreditation. If the laboratory's results from the analysis demonstrate acceptable performance, the laboratory will be removed from probationary status and allowed to analyze official samples again. If the analysis is not deemed satisfactory, the laboratory's accreditation will be revoked. During the probationary period a laboratory may not analyze any official samples.

FSIS laboratories have a similar procedure that puts an analyst on probation, rather than the entire laboratory. This practice is because the Federal Meat Inspection Act and the Poultry Products Inspection Act necessitate that Federal laboratories be available to analyze official samples at all times. Consequently, restrictions are placed on individual FSIS analysts, rather than the entire facility. Analysts failing to satisfy ongoing acceptance criteria are restricted from performing official sample analysis and have to requalify on samples similar to initial accreditation check samples.

In addition to the concept of probation, other compliance-related provisions deemed necessary by the Administrator are now included. To maintain accreditation, laboratories must provide any duly authorized representative of the Secretary access during ordinary business hours to the laboratory premises to examine and copy records required by regulation to be maintained.

Criteria for suspension and revocation of accreditation have been added to the original proposal. The accreditation of a laboratory shall be suspended if the operator or owner of the laboratory or any responsibly connected individual or entity is indicated or if charges on an information are brought against the operator or owner, responsibly connected individual or entity concerning any felony or any violation of law based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food, or upon fraud in connection with transactions in food, or based upon a false statement to any governmental entity, or based upon the offering, giving, or receiving of a bribe or unlawful gratuity. The suspension will continue pending the outcome of the criminal charges in any federal district court or State court.

If the operator or owner of the laboratory, or any responsibly connected individual or entity is convicted of any crime in any Federal or State court of any violation of any law, based upon acquiring, handling, or distributing or unwholesome, misbranded or deceptively packaged food, or upon fraud in connection with transaction in food, or based upon a false statement to any governmental entity, or based upon the offering, giving or receiving, of a bribe or unlawful gratuity, accreditation shall be revoked regardless of any appeal of the conviction pending before any court.

The determination and order of the Administrator with respect to any refusal, suspension, or revocation of accreditation shall be final and conclusive.

*3. Reapplication Provisions*

Another requirement has been added concerning reapplication for

[5] An analytical result reported by a laboratory accredited to perform chemical residue analysis will only be used in the statistical evaluation of the laboratory if the average of the results from all laboratories analyzing the sample indicates that the residue is present at a level equal to or greater than the minimum proficiency level associated with the residue.

accreditation. When reapplying for accreditation, the applicant must forward to the Agency all written documentation concerning the specific corrective efforts that have been made.

As a result of public comments received on the original Accredited Laboratory Program proposal, several elements of the proposed rule have been reconsidered. Since the rule is now being reproposed and is essentially a new proposal, analysis of the comments received on the original proposal and on the present proposal will be reserved for inclusion in the preamble of a final rule, when one is published. The areas reconsidered since publication of the original proposal are as follows:

*a. Education and Experience.* FSIS recognizes that it is the final responsibility of laboratory management to select and document the competency of their personnel. The Agency also recognizes that the degree of analytical complexity of methods is greater for specific chemical residue analyses than it is for food chemistry analyses, and that experience with specific types of analytical procedures is an important factor in determining the ability of a laboratory or an analyst to provide precise and accurate results. The Agency believes that the requirements as stated in this rule must be consistent with those for FSIS laboratory personnel because accredited laboratories will be analyzing samples in lieu of FSIS laboratories. This may result in the accredited laboratory personnel occasionally being required to submit affidavits or provide testimony on analyses conducted in the laboratory.

In view of this, the Agency has decided to modify this portion of the rule. This requirement has been changed to provide that a laboratory supervisor may have either a bachelor's degree in chemistry, food science, food technology, or a related field. The requirement that the degree be from an ACS approved institution has been dropped. Additionally, for specific chemical residue analysis, the number of years of required experience at or below the part per million level of detection has been reduced to 3 years. FSIS personnel in FSIS laboratories must also meet these requirements.

*b. Check Sample Analysis.* Reporting Period and Frequency. The time requirement for reporting the results of check sample analyses has been revised from 1 week to 3 weeks. This should allow sufficient time to accommodate scheduling adjustments that might be necessary for equipment failure, fluctuating work-load assignments, etc. In addition, this would still allow the Agency to evaluate the laboratories on a timely basis. In terms of accreditation maintenance, the total number of check samples in a year which will be required cannot be specified for all types of analyses. The requirements differ depending upon the type and difficulties of chemical analysis under consideration and whether accreditation is for specific chemical residues or for moisture, protein, fat and salt.

*c. Requirement that the Name of a Meat or Poultry Establishment that Will be Using its Services be Given Prior to Accreditation.* Maintaining this requirement would automatically preclude many qualified laboratories, such as State laboratories and those with no contractural relationship with meat and poultry establishments, from participating in the Accredited Laboratory Program. Accordingly, this requirement has been deleted.

*d. Time Allowed for Reapplication after Revocation of Accreditation.* The rule has been modified by changing the waiting period for reapplication from 1 year to 6 months in most instances. There is also a new requirement that reapplying laboratories must forward to the Agency all written documentation concerning the specific corrective efforts made.

*e. Payment for Official Sample Analysis.* An establishment's use of an accredited laboratory is voluntary. Any establishment that wishes to avoid payment of fees has available the option of using FSIS laboratories. This service provided by FSIS is necessitated by the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Federal Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*). The Agency believes the establishment of fees between the laboratory and the client should be mutually agreeable.

*f. Identification of Chemical Residues.* The proposed rule includes the criterion to require the correct identification of chemical residues. This criterion is now more prominently placed than in the original proposal.

## Proposed Rule

Therefore, it is proposed that Parts 318 and 381 (9 CFR Parts 318 and 381) be revised by adding two new §§ 318.20 and 318.153. These new sections would set forth the standards to evaluate laboratory performance, and procedures used to obtain and maintain accreditation. Additionally, the rule would establish criteria for the probation, suspension, or revocation of accreditation, and the requirements for reapplying for accreditation.

## List of Subjects

*9 CFR Part 318*

Accredited laboratory program, Meat inspection, Incorporation by reference, Recordkeeping and reporting requirements.

*9 CFR Part 381*

Accredited laboratory program, Poultry products inspection, Incorporation by reference, Recordkeeping and reporting requirements.

## PART 318—[AMENDED]

1. The authority citation for Part 318 reads as follows:

**Authority:** 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*); 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

2. Section 318.21 is added to read as follows:

### § 318.21 Accreditation of chemistry laboratories.

(a) *Definitions:*

*Accredited Laboratory*—A non-Federal analytical laboratory that has met the requirements for accreditation specified in this section and hence, at an establishment's discretion, may be used in lieu of an FSIS laboratory for analyzing official regulatory samples. Payment for the analysis of official samples is to be made by the establishment using the accredited laboratory.

*Accredited Laboratory Coordinator*—The FSIS official responsible for coordinating all activities concerning laboratory accreditation.

*AOAC Methods*—Methods of chemical analysis accepted by the Association of Official Analytical Chemists (AOAC) and published in the "Official Methods of Analysis of the Association of Official Analytical Chemists." This publication is incorporated by reference and approved by the Director, Office of the Federal Register on _____.[1]

*Chemical Residue Misidentification*—See "Correct Chemical Residue Indentification" definition.

*Coefficient of Variation (CV)*—The standard deviation of a distribution of analytical values multipled by 100, and divided by the mean of those values.

*Comparison Mean*—The average of the results obtained by all accredited

[1] Copies of this publication are on file with the Director, Office of the Federal Register, and may be purchased from the Association of Official Analytical Chemists, 1111 N. 19th Street, Suite 210, Arlington, Virginia 22209.

and FSIS laboratories performing an analysis upon homogeneous samples of material.

*Correct Chemical Residue Identification*—A laboratory is required to identify correctly every chemical residue in a sample that is detected at a level equal to or greater than the associated minimum reportable level by all FSIS laboratories analyzing the sample. Failure to do so will be considered a misidentification. In addition, reporting the presence of a residue that is not reported by any FSIS laboratory analyzing the sample will also be considered a misidentification.

*CUSUM*—A class of statistical control procedures that assesses whether or not a process is "in control". Each CUSUM value is constructed by accumulating incremental values obtained from observed results of the process, and then determined to either exceed or fall within acceptable limits for that process. The four CUSUM procedures are:

—Positive Systematic Laboratory Difference CUSUM—monitors how consistently an accredited laboratory gets numerically greater results than an assigned FSIS laboratory.

—Negative Systematic Laboratory Difference CUSUM—monitors how consistently an accredited laboratory gets numerically smaller results than an assigned FSIS laboratory.

—Variability CUSUM—monitors the average "total discrepancy" (i.e., the combination of random fluctuations and systematic differences) between an accredited laboratory's results and those of an assigned FSIS laboratory.

—Individual Large Discrepancy DUSUM—monitors the magnitude and frequency of large differences between the results of an accredited laboratory and those of an assigned FSIS laboratory.

*Individual Large Deviation*—An analytical result from a non-Federal laboratory that differs from the sample comparison mean by more than would be expected assuming normal laboratory variability.

*Initial Accreditation Check Sample*—A sample prepared and sent by an FSIS laboratory to a non-Federal laboratory to ascertain if the non-Federal laboratory's analytical capability meets the standards for granting accreditation.

*Interlaboratory Accreditation Maintenance Check Sample*—A sample prepared and sent by an FSIS laboratory to an accredited laboratory to assist in determining if acceptable levels of analytical capability are being maintained by the accredited laboratory. Laboratories accredited to perform food chemistry analysis will receive a check sample only if an insufficient number of split samples are available to evaluate the laboratory.

*Large Deviation Measure*—A measure that quantifies an unacceptably large difference between a non-Federal laboratory's analytical result and the sample comparison mean.

*Minimum Proficiency Level*—The minimum level of a residue at which an analytical result will be used to assess a laboratory's quantification capability. This level is the smallest concentration for which the average CV for reproducibility (i.e., combined within and between laboratory variability) does not exceed 20 percent. (See Table 2.)

*Official sample*—A sample selected in accordance with FSIS procedures and submitted for regulatory purposes to a designated laboratory.

*Probation*—The period commencing with official notification to an accredited laboratory that its check or split sample results no longer satisfy the performance requirements specified in this rule, and ending with official notification that accreditation is either fully restored or suspended or removed.

*QA (Quality Assurance) Recovery*—The ratio of a laboratory's unadjusted analytical value of a check sample residue to the residue level fortified by the FSIS laboratory that prepared the sample, multiplied by 100. (See Table 2.)

*QC (Quality Control) Recovery*—The ratio of a laboratory's unadjusted analytical value of a quality control standard to the fortification level of the standard, multiplied by 100. (See Table 2.)

*Responsibly Connected*—Any individual who or entity which is a partner, officer, director, manager, or owner of 10 per centum or more of the voting stock of the applicant or recipient of accreditation or an employee in a managerial or executive capacity or any employee who conducts or supervises the chemical analysis of FSIS official samples.

*Split Sample*—An official sample divided into duplicate portions, one portion to be analyzed by an accredited laboratory (for official regulatory purposes) and the other portion by an FSIS laboratory (for comparison purposes).

*Standardized Difference*—

(1) Food Chemistry—A non-Federal laboratory's analytical result minus the matching FSIS laboratory's result from a split or check sample, divided by the appropriate standardizing value. (See Table 1.)

(2) Chemical Residues—A non-Federal laboratory's analytical result minus the comparison mean from a split or check sample, divided by the product of the comparison mean and the appropriate standardizing value. (See Table 2.)

*Standardizing Value*—A number used to transform the result of a computation to a unitless measure.

*Systematic Laboratory Difference*—A comparison of one laboratory's results with another laboratory's results on homogenous samples that shows, on the average, a consistent directional difference. A laboratory that is reporting, on the average, numerically greater results than a comparison laboratory has a positive systematic laboratory difference and, conversely, numerically smaller results on the average indicate a negative systematic difference.

*Variability*—Random fluctuations in a laboratory's processes that cause it analytical results to deviate from a true value.

TABLE 1.—STANDARDIZING VALUES FOR FOOD CHEMISTRY

[By product class and analyte]

| Product class | Analyte | | | |
|---|---|---|---|---|
| | Moisture | Protein[1] | Fat[1] | Salt |
| Cured pork | 0.90 | 0.069 | 0.13 | 0.18 |
| Canned hams | 0.65 | 0.069 | 0.16 | 0.18 |
| Pork sausages | 0.65 | 0.069 | 0.09 | 0.18 |
| Ground beef | 1.00 | 0.069 | 0.15 | 0.18 |
| Sausages (other than pork) | 1.00 | 0.069 | 0.12 | 0.18 |
| Franks | 0.65 | 0.069 | 0.10 | 0.18 |
| Bologna | 0.90 | 0.069 | 0.10 | 0.18 |
| Salami, etc.[2] | 0.65 | 0.069 | 0.11 | 0.18 |
| Other[3] | 0.80 | 0.069 | 0.11 | 0.18 |

[1] To obtain the standardizing value for a sample, the appropriate entry in this column is multiplied by $X^{0.8}$, where X is the comparison mean of the sample.

[2] Product class consists of hard salami, corn beef, and beef tongues.

[3] All products that cannot be classified into one of the previous categories are placed in this class. These include bacon, brisket, and jerky products.

TABLE 2.—MINIMUM PROFICIENCY LEVELS, PERCENT EXPECTED RECOVERIES (QC AND QA), AND STANDARDIZING VALUES FOR CHEMICAL RESIDUES

| Class of residues | Minimum proficiency level | Percent expected recovery (QC and QA) | Standardizing value [3] | |
|---|---|---|---|---|
| | | | For maintenance check sample computations | For split sample computations |
| Chlorinated hydrocarbons (ppm):[1] | | | | |
| Aldrin | 0.10 | 80–110 | 0.20 | 0.28 |
| Benzene | | | | |
| Hexachloride | 0.10 | 80–110 | 0.20 | 0.28 |
| Chlordane | 0.30 | 80–110 | 0.20 | 0.28 |
| Dieldrin | 0.10 | 80–110 | 0.20 | 0.28 |
| DDT | 0.15 | 80–110 | 0.20 | 0.28 |
| DDE | 0.10 | 80–110 | 0.20 | 0.28 |
| TDE | 0.15 | 80–110 | 0.20 | 0.28 |
| Endrin | 0.10 | 80–110 | 0.20 | 0.28 |
| Heptachlor | 0.10 | 80–110 | 0.20 | 0.28 |
| Heptachlor epoxide | 0.10 | 80–110 | 0.20 | 0.28 |
| Lindane | 0.10 | 80–110 | 0.20 | 0.28 |
| Methoxychlor | 0.50 | 80–110 | 0.20 | 0.28 |
| Toxaphene | 1.00 | 80–110 | 0.20 | 0.28 |
| Polychlorinated biphenyls | 0.50 | 75–110 | 0.20 | 0.28 |
| Hexachlorobenzene | 0.10 | 80–110 | 0.20 | 0.28 |
| Mirex | 0.10 | 80–110 | 0.20 | 0.28 |
| Nonachlor | 0.15 | 80–110 | 0.20 | 0.28 |
| Polybrominated biphenyls (ppm)[2] | 0.15 | 80–110 | 0.20 | 0.28 |
| Arsenic (ppm)[2] | 0.20 | 90–105 | 0.25 | 0.35 |
| Sulfa drugs (ppm)[2] | 0.08 | 70–120 | 0.25 | 0.35 |
| Ipronidaxole (ppb)[2] | 2 | 60–90 | 0.20 | 0.28 |
| Nitrosamine (ppb)[2] | 5 | 70–110 | 0.25 | 0.35 |

[1] Laboratory statistics are computed over all results (excluding PCB results), and for specific chemical residues.
[2] Laboratory statistics are only computed for specific chemical residues.
[3] The standardizing value for all initial accreditation and probationary check sample computations is 0.15.

(b) *Laboratories accredited for analysis of protein, moisture, fat, and salt content of meat and meat products.*

(1) *Applying for accreditation.*[2] Application for accreditation shall be made in writing by the owner or operator of the non-Federal analytical laboratory and sent to the Accredited Laboratory Coordinator, Chemistry Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. A laboratory whose accreditation has been refused or revoked under the circumstances described in paragraph (d)(1), (d)(2), (g)(1) or (g)(2) of this section may reapply for accreditation no sooner than 6 months after the effective date of that action, and must provide written documentation specifying what corrections were made. The applying laboratory will bear all costs associated with its application process.

(2) *Criteria for obtaining accreditation.* Non-Federal analytical laboratories may be accredited for the analyses of moisture, protein, fat, and salt content of meat and meat food products. Accreditation will be given only if the applying laboratory successfully satisfies the requirements presented below, for all 4 analytes. This accreditation authorizes official FSIS acceptance of the analytical test results provided by these laboratories on official samples. To obtain FSIS accreditation for moisture, protein, fat, and salt analyses, a non-Federal analytical laboratory must:

(i) Be supervised by a person holding, as a minimum, a bachelor's degree in either chemistry, food science, food technology, or a related field and having 1 year's experience in food chemistry, or equivalent qualifications, as determined by the Administrator.

(ii) Demonstrate acceptable levels of systematic laboratory difference, variability, and individual large deviations in the analyses of moisture, protein, fat and salt content using AOAC methods. An applying laboratory will successfully demonstrate these capabilities if its moisture, protein, fat, and salt results from a 36 check sample accreditation study each satisfy the criteria presented below.[3] If the laboratory's analysis of an analyte (or analytes) from the first set of 36 check samples does not meet these criteria for obtaining accreditation, a second set of 36 samples will be provided to the applying laboratory to be analyzed for only those analyte(s) that has unacceptable results initially. If the results of the second set of samples do not meet the criteria, an additional set of accreditation check samples (which must be analyzed for all 4 analytes) will not be provided for at least a 6 month period, commencing from the date on which the analytical results of the second set of samples were postmarked to FSIS.

(A) *Systematic Laboratory Difference:* The absolute value of the average standardized difference must not exceed 0.73 minus the product of 0.17 and the standard deviation of the standardized differences.

(B) *Variability:* The estimated standard deviation of the standardized differences must not exceed 1.15.

(C) *Individual Large Deviations:* One hundred times the average of the large deviation measures of the individual samples must be less than 5.0.[4]

(iii) Allow inspection of the laboratory by FSIS officials prior to the determination of granting accredited status.

(3) *Criteria for maintaining accreditation.* To maintain accreditation for moisture, protein, fat, and salt analyses, a non-Federal analytical laboratory must:

(i) Report analytical results of the moisture, protein, fat, and salt content of official samples, weekly, on designated forms to the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS.

(ii) Maintain laboratory quality control records for the most recent 3 years that samples have been analyzed under this Program.

(iii) Maintain complete records of the receipt, analysis, and disposition of official samples for the most recent 3 years that samples have been analyzed under this Program.

(iv) Maintain a standards book, which is a permanently bound book with sequentially numbered pages, containing all readings and calculations for standardization of solutions, determination of recoveries, and calibration of instruments. All entries are to be dated and signed within 2 working days by the analyst and his/her supervisor. The standards book is to be retained for a period of 3 years after the last entry is made.

(v) Analyze interlaboratory acceditation maintenance check samples and return the results to FSIS

[2] Laboratories designated by FSIS as "certified" prior to the effective date of this regulation will automatically become accredited laboratories for their current type of analysis without complying with paragraphs (b)(1) and (b)(2) of this section. However, all other requirements of this section shall be applicable to such laboratories. If at a later date, however, the laboratory has its accreditation revoked, it must comply with paragraphs (b)(1) and (b)(2) of this section.

[3] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[4] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

within 3 weeks of sample receipt. This must be done whenever requested by FSIS and at no cost to FSIS.

(vi) Inform the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS, by certified or registered mail, within 30 days, when there is any change in the laboratory's ownership, officers, directors, supervisory personnel, or other responsibly connected individual or entity.

(vii) Permit any duly authorized representative of the Secretary to perform both announced and unannounced on-site laboratory reviews of facilities and records during normal business hours.

(viii) Use official AOAC methods [5] on official and check samples.

(ix) Demonstrate that acceptable levels of systematic laboratory difference, variability, and individual large deviations are being maintained in the analyses of moisture, protein, fat, and salt content. An accredited laboratory will successfully demonstrate the maintenance of these capabilities if its moisture, protein, fat, and salt results from split samples and interlaboratory accreditation maintenance check samples each satisfy the criteria presented below.[6]

(A) Systematic Laboratory Difference:

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–P. This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample.

The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.4,

−2.0, if the standardized difference is less than −1.6,

or

the standardized difference minus 0.4, if the standardized difference lies between −1.6 and 2.4, inclusive.

(*ii*) Compute the new CUSUM–P value.

The new CUSUM–P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–P value. If this computation yields a value smaller than 0, the new CUSUM–P value is set equal to 0. (CUSUM–P values are initialized at zero; that is, the CUSUM–P value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–P value.

The new CUSUM–P value must not exceed 5.2.

(*2*) Negative systematic laboratory difference:

The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–N. This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.6,

2.0, if the standardized difference is less than −2.4,

or

the standardized difference plus 0.4, if the standardized difference lies between −2.4 and 1.6, inclusive.

(*ii*) Compute the new CUSUM–N value. The new CUSUM–N value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–N value. If this computation yields a value smaller than 0, the new CUSUM–N value is set equal to 0. (CUSUM–N values are initialized at zero; that is, the CUSUM–N value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–N value. The new CUSUM–N value must not exceed 5.2.

(*B*) Variability: The absolute value of the standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–V. This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(*2*) Compute the new CUSUM–V value. The new CUSUM–V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–V value. If this computation yields a value less than 0, the new CUSUM–V is set equal to 0. (CUSUM–V values are initialized at zero; that is, the CUSUM–V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–V value. The new CUSUM–V value must not exceed 4.3.

(C) Large Deviations: The large deviation measure of the accredited laboratory's result for each split sample or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–D.[6] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the value of the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM–D value. The new CUSUM–D value is obtained by adding algebraically, the CUSUM increment to the last previously computed CUSUM–D value. If this computation yields a values less that 0, the new CUSUM–D value is set equal to 0. (CUSUM–D values are initialized at zero; that is, the CUSUM–D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–D value. The new CUSUM–D value must not exceed 1.0.

(x) Meet the following requirements if placed on probation pursuant to paragraph (e) of this section:

(A) Send all official samples that have not been analyzed as of the date of written notification of probation to a specified FSIS laboratory by certified mail or private carrier. Mailing expenses will be paid by FSIS.

(B) Analyze a set of check samples similar to those used for initial accreditation, and submit the analytical results to FSIS within 3 weeks of receipt of the samples.

(C) Satisfy criteria described in paragraph (b)(2)(ii) of this section on the above mentioned check samples.

(xi) Expeditiously report analytical results of official samples in accordance with the instructions of the Accredited Laboratory Coordinator. The Federal inspector at any establishment may assign the analysis of official samples to an FSIS laboratory if, in his/her view, there are delays in receiving test results on official samples from an accredited laboratory.

(c) *Laboratories accredited for analysis of a class of chemical residues in meat and meat food products.*—(1)

[5] Copies of the "Official Methods of Analysis of the Association of Official Analytical Chemists" are on file with the Director, Office of the Federal Register, and may be purchased from the AOAC, 1111 N. 19th Street, Suite 210, Arlington, VA 22209.

[6] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

*Applying for accreditation.*[7] Application for accreditation shall be made in writing by the owner or operator of the non-Federal analytical laboratory and sent to the Accreditated Laboratory Coordinator, Chemistry Division, Science, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. A laboratory whose accreditation has been refused or withdrawn under the circumstances described in paragraph (d)(1), (d)(2), (g)(1) or (g)(2) of this section may reapply for accreditation no sooner than 6 months after the effective date of that action, and must provide written documentation specifying what corrections were made. The applying laboratory will bear all costs associated with its application process.

(2) *Criteria for obtaining accreditation.*—Non-Federal analytical laboratories may be accredited for the analysis of a class of chemical residues in meat and meat food products. Accreditation will be given only if the applying laboratory successfully satisfies the requirements presented below. This accreditation authorizes official FSIS acceptance of the analytical test results provided by these laboratories on official samples. To obtain FSIS accreditation for the analysis of a class of chemical residues, a non-Federal analytical laboratory must:

(i) Be supervised by a person holding, as a minimum, a bachelor's degree in either chemistry, food science, food technology, or a related field and having 3 years' experience determining analytes at or below part per million levels in analytical chemistry, or equivalent qualifications, as determined by the Administrator.

(ii) Demonstrate acceptable levels of systematic laboratory difference, variability, individual large deviations, recoveries, and proper identification in the analysis of the class of chemical residues for which application was made, using FSIS approved procedures. An applying laboratory will successfully demonstrate these capabilities if its analytical results for each specific chemical residue provided in a check sample accreditation study containing a minimum of 14 samples satisfy the criteria presented below.[8] In addition, if the laboratory is requesting accreditation for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria. (Conformance to criteria (A), (B), (C), and (D) will only be determined when 6 or more analytical results with associated comparison means at or above the minimum proficiency level are available.) If the results of the first set of samples do not meet these criteria for obtaining accreditation, a second set of at least 14 samples will be provided to the applying laboratory. If the results of the second set of samples do not meet the criteria, an additional set of accreditation check samples will not be provided for a 6 month period, commencing from the date on which the analytical results of the second set of samples were postmarked to FSIS.

(A) *Systematic Laboratory Difference:* The absolute value of the average standardized difference must not exceed 1.67 (2.00 if there are less than 12 analytical results) minus the product of 0.29 and the standard deviation of the standardized differences.

(B) *Variability:*. The standard deviation of the standardized differences must not exceed a computed tolerance. This tolerance is a function of the number of analytical results used in the computation of the standard deviation, and of the amount of variability associated with the results from the participating FSIS laboratories.

(C) *Individual Large Deviations*. One hundred times the average of the large deviation measures of the individual analytical results must be less than 5.0.[9]

(D) *QA Recovery:* The average of the QA recoveries of the individual analytical results must lie within the range given in Table 2 under the column entitled "Percent Expected Recovery."

(E) *QC Recovery:* All QC recoveries must lie within the range given in Table 2 under "Percent Expected Recovery." Supporting documentation must be made available to FSIS upon request.

(F) *Correct Identification:* There must be correct identification of all chemical residues in all samples.

(iii) Allow inspection of the laboratory by FSIS officials prior to the determination of granting accredited status.

(3) *Criteria for maintaining accreditation.* To maintain accreditation for analysis of a class of chemical residues, a non-Federal analytical labortory must:

(i) Report analytical chemical residue results from official samples, weekly, on designated forms to the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS.

(ii) Maintain laboratory quality control records for the most recent 3 years that samples have been analyzed under this Program.

(iii) Maintain complete records of the receipt, analysis, and disposition of official samples for the most recent 3 years that samples have been analyzed under the Program.

(iv) Maintain a standards book, which is a permanently bound book with sequentially numbered pages, containing all readings and calculations for standardization of solutions, determination of recoveries, and calibration of instruments. All entries are to be dated and signed within 2 working days by the analyst and his/her supervisor. The standards book is to be retained for a period of 3 years after the last entry is made.

(v) Analyze interlaboratory accreditation maintenance check samples and return the results to FSIS within 3 weeks of sample receipt. This must be done whenever requested by FSIS and at no cost to FSIS.

(vi) Inform the Accredited Laboratory Coordinator, Chemistry Division, Science Program, FSIS, by certified or registered mail, within 30 days when there is any change in the laboratory's ownership, officers, directors, supervisory personnel, or any other responsibly connected individual or entity.

(vii) Permit any duly authorized representative of the Secretary to perform both announced and unannounced on-site laboratory reviews of facilities and records during normal business hours.

(viii) Use analytical procedures designated and approved by FSIS.

(ix) Demonstrate that acceptable levels of systematic laboratory difference, variability, and individual large deviations are being maintained in the analysis of official samples, in the chemical residue class for which accreditation was granted. A laboratory will successfully demonstrate the maintenance of these capabilities if its analytical results for each specific chemical residue found in split samples satisfy the criteria presented

[7] Laboratories designated by FSIS as "recognized" prior to the effective date of this regulation will automatically become accredited laboratories for their current type of analysis without complying with paragraphs (c)(1) and (c)(2) of this section. However, all other requirements of this section shall be applicable to such laboratories. If at a later date, however, the laboratory has its accreditation revoked, it must comply with paragraphs (c)(1) and (c)(2) of this section.

[8] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[9] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5 and a measure equal $1-(2.5/d)^4$ otherwise.

below.[10] [11] In addition, if the laboratory is accredited for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria.

(A) *Systematic Laboratory Difference:*

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM–P.[12] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.5,
−2.0, if the standardized difference is less than −1.5,

or

the standardized difference minus 0.5, if the standardized difference lies between −1.5 and 2.5, inclusive.

(*ii*) Compute the new CUSUM–P value. The new CUSUM–P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–P value. If this computation yields a value smaller than 0, the new CUSUM–P value is set equal to 0. [CUSUM–P values are initialized at zero; that is, the CUSUM–P value associated with the first sample is set equal to the CUSUM increment for that sample.]

(*iii*) Evaluate the new CUSUM–P value. The new CUSUM–P value must not exceed 4.8.

(*2*) Negative systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM–N.[13] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.5,
2.0, if the standardized difference is less than −2.5,

or

the standardized difference plus 0.5 , if the standardized difference lies between −2.5 and 1.5, inclusive.

(*ii*) Compute the new CUSUM–N value. The new CUSUM–N value is obtained by adding, algebraically, the CUMSUM increment to the last previously computed CUSUM–N value. If this computation yields a value smaller than 0, the new CUSUM–N value is set equal to 0. (CUSUM–N values are initialized at zero; that is, the CUSUM–N value associated with the first sample is set equal to the CUSUM increment for that sample).

(*iii*) Evaluate the new CUSUM–N value. The new CUSUM–N value must not exceed 4.8.

(B) Variability: The absolute value of the standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM–V.[14] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(*2*) Compute the new CUSUM–V value.The new CUSUM–V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–V value. If this computation yields a value less than 0, the new CUSUM–V value is set equal to 0. (CUSUM–V values are initialized at zero; that is, the CUSUM–V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–V value. The new CUSUM–V value must not exceed 4.3.

(C) Large Deviations: The large deviation measure of the accredited laboratory's result for each split sample is used to determine a CUSUM value, designated as CUSUM–D.[15] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM–D value. The new CUSUM–D is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–D value. If this computation yields a value less than 0, the new CUSUM–D value is set equal to 0. (CUSUM–D values are initialized at zero; that is, the CUSUM–D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–D value. The new CUSUM–D value must not exceed 1.0.

(x) Meet the following requirements if placed on probation pursuant to paragraph (e) of this section:

(A) Send all official samples that have not been analyzed as of the date of written notification of probation to a specified FSIS laboratory by certified mail or private carrier. Mailing expenses will be paid by FSIS.

(B) Analyze a set of check samples similar to those used for initial accreditation, and submit analytical results to FSIS within 3 weeks of receipt of the samples.

(C) Satisfy criteria described in paragraph (c)(2)(ii) of this section on the above mentioned check samples.

(xi) Expeditiously report analytical results of official samples in accordance with the instructions of the Accredited Laboratory Coordinator. The Federal inspector at any establishment may assign the analysis of official samples to an FSIS laboratory if, in his/her view, there are delays in receiving test results on official samples from an accredited laboratory.

(xii) Every QC recovery associated with reporting of official samples must be within the appropriate range given in Table 2 under "Percent Expected Recovery." Supporting documentation must be made available to FSIS upon request.

(xiii) Demonstrate that acceptable levels of systematic laboratory difference, variability, individual large deviations, recoveries, and proper

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[10] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[11] An analytical result will only be used in the statistical evaluation of the laboratory if the associated comparison mean is equal to or greater than the minimum proficiency level for the residue.

[12] When determining compliance with this criterion for all chlorinated hydrocarbon results in a sample collectively, the following statistical procedure must be followed to account for the correlation of analytical results within a sample: The average of the standardized differences of the analytical results within the sample, divided by a constant, is used in place of a single standardized difference to determine the CUSUM–P (or CUSUM–N) value for the sample. The constant is a function of the number of analytical results used to compute the average standardized difference.

[13] See footnote 12.

[14] When determining compliance with this criterion for all chlorinated hydrocarbon results in a sample collectively, the following statistical procedure must be followed to account for the correlation of analytical results within a sample: The square root of the sum of the within sample variance and the average standardized difference of the sample, divided by a constant, is used in place of the absolute value of the standardized difference to determine the CUSUM–V value for the sample. The constant is a function of the number of analytical results used to compute the average standardized difference.

[15] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

identification are being maintained in the analysis of interlaboratory accreditation maintenance check samples, in the chemical residue class for which accreditation was granted. A laboratory will successfully demonstrate the maintenance of these capabilities if its analytical results for each specific chemical residue found in interlaboratory accreditation maintenance check samples satisfy the criteria presented below. In addition, if the laboratory is accredited for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria.

(A) *Systematic Laboratory Difference.*

(*i*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and the comparison mean for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–P.[16] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.5,

−2.0, if the standardized difference is greater than −1.5,

or

the standardized difference minus 0.5, if the standardized difference lies between −1.5 and 2.5, inclusive.

(*ii*) Compute the new CUSUM–P value. The new CUSUM–P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–P value. If this computation yields a value small than 0, the new CUSUM–P value is set equal to 0. (CUSUM–P values are initialized at zero; that is, the CUSUM–P value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–P value. The new CUSUM–P value must not exceed 4.8.

(*2*) Negative systematic laboratory difference: The standardized difference between the accredited laboratory's result and the comparison mean for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–N.[17] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.5,

2.0, if the standardized difference is less than −2.5,

or

the standardized difference plus 0.5, if the standardized difference lies between −2.5 and 1.5, inclusive.

(*ii*) Compute the new CUSUM–N value. The new CUSUM–N value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–N value. If this computation yields a value smaller than 0, the new CUSUM–N value is set equal to 0. (CUSUM–N values are initialized at zero; that is, the CUSUM–N value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–N value. The new CUSUM–N value must not exceed 4.8.

(B) Variability: The absolute value of the standardized difference between the accredited laboratory's result and the comparison mean for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–V.[18] This value is computed and evaluated as follows:

(1) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(2) Compute the new CUSUM–V value. The new CUSUM–V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–V value. If this computation yields a value less than 0, the new CUSUM–V value is set equal to 0. (CUSUM–V values are initialized at zero; that is, the CUSUM–V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(3) Evaluate the new CUSUM–V value. The new CUSUM–V value must not exceed 4.3.

(C) Large Deviations: The large deviation measure of the accredited laboratory's result for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–D.[19] This value is computed and evaluated as follows:

(1) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the value of the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM–D value. The new CUSUM–D is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–D value. If this computation yields a value less than 0, the new CUSUM–D value is set equal to 0. (CUSUM–D values are initialized at zero; that is, the CUSUM–D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(3) Evaluate the new CUSUM–D value. The new CUSUM–D value must not exceed 1.0.

(D) Each QC Recovery is within the range given in Table 2 under "Percent Expected Recovery". Supporting documentation must be made available to FSIS upon request.

(E) Not more than 1 residue misidentification in any 2 consecutive check samples.

(F) Not more than 2 residue misidentifications in any 8 consecutive check samples.

(d) *Refusal of accreditation.* Upon a determination by the Administrator, a laboratory shall be refused accreditation for the following reasons:

(1) A laboratory shall be refused accreditation for moisture, protein, fat, and salt analysis for failure to meet the requirements of paragraph (b)(1) or (b)(2) of this section.

(2) A laboratory shall be refused accreditation for chemical residue analysis for failure to meet the requirements of paragraph (c)(1) or (c)(2) of this section.

(3) A laboratory shall be refused subsequent accreditation for failure to return to an FSIS laboratory, by certified mail or private carrier, all official samples which have not been analyzed as of the notification of a loss of accreditation.

(4) A laboratory shall be refused accreditation if the applicant or any individual or entity responsibly connected with the applicant has been convicted of or is under indictment or if charges on an information have been brought against the applicant or responsibly connected individual or entity in any Federal or State court

[16] *See* footnote 12.

[17] *See* footnote 12.

[18] *See* Footnote 14.

[19] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, |d|, is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

concerning the following violations of law:

(i) Any felony.

(ii) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(iii) Any misdemeanor based upon a false statement to any governmental agency.

(iv) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(e) *Probation of accreditation.* Upon a determination by the Administrator, a laboratory shall be placed on probation for the following reasons:

(1) If the laboratory fails to complete more than one interlaboratory accreditation maintenance check sample analysis within 12 consecutive months as required by paragraphs (b)(3)(v) and (c)(3)(v) of this section.

(2) If the laboratory fails to meet any of the criteria set forth in paragraphs (b)(3)(v) and (b)(3)(ix) and (c)(3)(v) and (c)(3)(ix) of this section.

(f) *Suspension of Accreditation.* The accreditation of a laboratory shall be suspended if the laboratory or any individual or entity responsibly connected with the laboratory is indicted or if charges on an information have been brought against the laboratory or responsibly connected individual or entity in any Federal or State court concerning any of the following violations of law:

(1) Any felony.

(2) Any misdemeanor based upon acquiring, handling or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(3) Any misdemeanor based upon a false statement to any governmental agency.

(4) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(g) *Revocation of Accreditation.* The accreditation of a laboratory shall be revoked for the following reasons:

(1) An accredited laboratory which is only acredited to perform analysis under paragraph (b) of this section shall have its acreditation revoked for failure to meet any of the requirements of paragraph (b)(3). IF the recipient laboratory fails to meet any of the criteria set forth in paragraphs (b)(3)(v) and (b)(3)(ix), and if more than one year has passed since the end of any previous probationary period, the accredited laboratory will be placed on probation in lieu of having its accreditation revoked.

(2) An accredited laboratory which is only accredited to perform analysis under paragraph (c) of this section shall have its accreditation revoked for failure to meet the requirements of paragraph (c)(3) of this section. If the recipient laboratory fails to meet any of the criteria set forth in paragaphs (c)(3)(v), (c)(3)(ix), and (c)(3)(xiii) of this section, and if more than one year has passed since the end of any previous probationary period, the laboratory will be placed on probation in lieu of having its accreditation revoked.

(3) An accredited laboratory shall have its accreditation revoked if the Administrator determines that the laboratory or any responsibly connected individual or any agent or employee has:

(i) Altered any official sample or analytical finding, or,

(ii) Substituted an analytical result from a non-accredited laboratory for its own.

(4) An accredited laboratory shall have its accreditation revoked if the laboratory or any individual or entity responsibly connected with the laboratory is convicted in a Federal or State court of any of the following violations of law:

(i) Any felony.

(ii) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(iii) Any misdemeanor based upon a false statement to any governmental agency.

(iv) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food or based upon a false statement to any governmental entity.

(h) *Notification and Hearings.* Accreditation of any laboratory shall be refused, suspended, or revoked under the conditions previously described herein. The owner or operator of the laboratory shall be sent written notice of the refusal, suspension, or revocation of accreditation by the Administrator. In such cases, the laboratory owner or operator will be provided an opportunity to present, withn 30 days of the date of the notification, a statement challenging the merits or validity of such action and to request an oral hearing with respect to the denial, suspension, or revocation decision. An oral hearing shall be granted if there is any dispute of material fact joined in such responsive statement. The proceeding shall thereafter be conducted in accordance with the applicable rules of practice which shall be adopted for the proceeding. Any such refusal, suspension, or revocation shall be effective upon the notification and shall continue in effect until final determination of the matter by the Administrator.

(Recordkeeping requirements under this section approved by the Office of Management and Budget under OMB control numbers [0583-0015]

## PART 381—[AMENDED]

3. The authority citation for Part 381 reads as follows:

**Authority:** 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 21 U.S.C. 71 *et seq.*, 601 *et seq.*

4. Section 381.153 is added to read as follows:

### § 318.153 Accreditation of Chemistry Laboratories.

(a) *Definitions:*

*Accredited Laboratory*—A non-Federal analytical laboratory that has met the requirements for accreditation specified in this section and hence, at an establishment's discretion, may be used in lieu of an FSIS laboratory for analyzing official regulatory samples. Payment for the analysis of official samples is to be made by the establishment using the accredited Laboratory.

*Accredited Laboratory Coordinator.*The FSIS official responsible for coordinating all activities concerning laboratory accreditation.

*AOAC Methods*—Methods of chemical analysis accepted by the Association of Official Analytical Chemists (AOAC) and published in the "Official Methods of Analysis of the Association of Official Analytical Chemists." This publication is incorporated by reference and approved by the Director, Office of the Federal Register on _____.[7]

*Chemical Residue Misidentification*—See "Correct Chemical Residue Indentification" definition.

*Coefficient of Variation (CV)*—The standard deviation of a distribution of analytical values multipled by 100, and divided by the mean of those values.

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[7]Copies of this publication are on file with the Director, Office of the Federal Register, and may be purchased from the Association of Official Analytical Chemists, 1111 N. 19th Street, Suite 210, Arlington, Virginia.

*Comparison Mean*—The average of the results obtained by all accredited and FSIS laboratories performing an analysis upon homogeneous samples of material.

*Correct Chemical Residue Identification*—A laboratory is required to identify correctly every chemical residue in a sample that is detected at a level equal to or greater than the associated minimum reportable level by all FSIS laboratories analyzing the sample. Failure to do so will be considered a misidentification. In addition, reporting the presence of a residue that is not reported by any FSIS laboratory analyzing the sample will also be considered a misidentification.

*CUSUM*—A class of statistical control procedures that assesses whether or not a process is "in control". Each CUSUM value is constructed by accumulating incremental values obtained from observed results of the process, and then determined to either exceed or fall within acceptable limits for that process. The four CUSUM procedures are:

—Postive Systematic Laboratory Difference, CUSUM—monitors how consistently an accredited laboratory gets numerically greater results than an assigned FSIS laboratory.

—Negative Systematic Laboratory Difference CUSUM—monitors how consistently an accredited laboratory gets numerically smaller results than an assigned FSIS laboratory.

—Variability CUSUM—monitors the average "total discrepancy" (i.e., the combination of random fluctuations and systematic differences) between an accredited laboratory's results and those of an assigned FSIS laboratory.

—Individual Large Discrepancy CUSUM—monitors the magnitude and frequency of large differences between the results of an accredited laboratory and those of an assigned FISI laboratory.

*Individual Large Deviation*—An analytical result from a non-Federal laboratory that differs from the sample comparison mean by more than would be expected assuming normal laboratory variability.

*Initial Accreditation Check Sample*—A sample prepared and sent by an FSIS laboratory to a non-Federal laboratory to ascertain if the non-Federal laboratory's analytical capability meets the standards for granting accreditation.

*Interlaboratory Accreditation Maintenance Check Sample*—A sample prepared and sent by an FSIS laboratory to an accredited laboratory to assist in determining if acceptable levels of analytical capability are being maintained by the accredited laboratory. Laboratories accredited to perform food chemistry analysis will receive a check sample only if an insufficient number of split samples are available to evaluate the laboratory.

*Large Deviation Measure*—A measure that quantifies an unacceptably large difference between a non-Federal laboratory's analytical result and the sample comparison mean.

*Minimum Proficiency Level*—The minimum level of a residue at which an analytical result will be used to assess a laboratory's quantification capability. This level is the smallest concentration for which the average CV for reproducibility (i.e., combined within and between laboratory variability) does not exceed 20 percent. (See Table 2.)

*Official sample*—A sample selected in accordance with FSIS procedures and submitted for regulatory purposes to a designated laboratory.

*Probation*—The period commencing with official notification to an accredited laboratory that its check or split sample results no longer satisfy the performance requirements specified in this rule, and ending with official notification that accreditation is either fully restored or removed.

*QA (Quality Assurance) Recovery*—The ratio of a laboratory's unadjusted analytical value of a check sample residue to the residue level fortified by the FSIS laboratory that prepared the sample, multiplied by 100. (See Table 2.)

*QC (Quality Control) Recovery*—The ratio of a laboratory's unadjusted analytical value of a quality control standard to the fortification level of the standard, multiplied by 100. (See Table 2.)

*Responsibly Connected*—Any individual who or entity which is a partner, officer, director, manager, or owner of 10 per centum or more of the voting stock of the applicant or recipient of accreditation or an employee in a managerial or executive capacity or any employee who conducts or supervises the chemical analysis of FSIS official samples.

*Split Sample*—An official sample divided into duplicate portions, one portion to be analyzed by an accredited laboratory (for official regulatory purposes) and the other portion by an FSIS laboratory (for comparison purposes).

*Standardized Difference*—(1) Food Chemistry—A non-Federal laboratory's analytical result minus the matching FSIS laboratory's result from a split or check sample, divided by the appropriate standardizing value. (See Table 1.)

(2) Chemical Residues—A non-Federal laboratory's analytical result minus the comparison mean from a split or check sample, divided by the product of the comparison mean and the appropriate standardizing value. (See Table 2.)

*Standardizing Value*—A number used to transform the result of a computation to a unitless measure.

*Systematic Laboratory Difference*—A comparison of one laboratory's analytical results with another laboratory's results on homogeneous samples that shows, on the average, a consistent directional difference. A laboratory that is reporting, on the average, numerically greater results than a comparison laboratory has a positive systematic laboratory difference and, conversely, numerically smaller results on the average indicate a negative systematic difference.

*Variability*—Random fluctuations in a laboratory's processes that cause its analytical results to deviate from a true value.

TABLE 1.—STANDARDIZING VALUES FOR FOOD CHEMISTRY

| Analtye | | | |
|---|---|---|---|
| Moisture | Protein [1] | Fat [1] | Salt |
| 0.80 | 0.069 | 0.12 | 0.18 |

[1] To obtain the standardizing value for a sample, the appropriate entry in this column is multiplied by $X^{0.8}$, where X is the comparison mean of the sample.

TABLE 2.—MINIMUM PROFICIENCY LEVELS, PERCENT EXPECTED RECOVERIES (QC AND QA), AND STANDARDIZING VALUES FOR CHEMICAL RESIDUES

| Class of residues | Minimum proficiency level | Percent expected recovery (QC and QA) | Standardizing value [2] | |
|---|---|---|---|---|
| | | | For maintenance check sample computations | For split sample computations |
| Chlorinated hydrocarbons (ppm): [1] | | | | |
| Aldrin | 0.10 | 80-110 | 0.20 | 0.28 |
| Benzene Hexachloride | 0.10 | 80-110 | 0.20 | 0.28 |
| Chlordane | 0.30 | 80-110 | 0.20 | 0.28 |
| Dieldrin | 0.10 | 80-110 | 0.20 | 0.28 |
| DDT | 0.15 | 80-110 | 0.20 | 0.28 |
| DDE | 0.10 | 80-110 | 0.20 | 0.28 |
| TDE | 0.15 | 80-110 | 0.20 | 0.28 |
| Endrin | 0.10 | 80-110 | 0.20 | 0.28 |

TABLE 2.—MINIMUM PROFICIENCY LEVELS, PERCENT EXPECTED RECOVERIES (QC AND QA), AND STANDARDIZING VALUES FOR CHEMICAL RESIDUES—Continued

| Class of residues | Minimum proficiency level | Percent expected recovery (QC and QA) | Standardizing value [2] | |
|---|---|---|---|---|
| | | | For maintenance check sample computations | For split sample computations |
| Heptachlor | 0.10 | 80–110 | 0.20 | 0.28 |
| Heptachlor epoxide | 0.10 | 80–110 | 0.20 | 0.28 |
| Lindane | 0.10 | 80–110 | 0.20 | 0.28 |
| Methoxychlor | 0.50 | 80–110 | 0.20 | 0.28 |
| Toxaphene | 1.00 | 80–110 | 0.20 | 0.28 |
| Polychlorinated biphenyls | 0.50 | 75–110 | 0.20 | 0.28 |
| Hexachlorobenzene | 0.10 | 80–110 | 0.20 | 0.28 |
| Mirex | 0.10 | 80–110 | 0.20 | 0.28 |
| Nonachlor | 0.15 | 80–110 | 0.20 | 0.28 |
| Polybrominated biphenyls (ppm) [1] | 0.15 | 80–110 | 0.20 | 0.28 |
| Arsenic (ppm) [2] | 0.20 | 90–105 | 0.25 | 0.35 |
| Sulfa drugs (ppm) [2] | 0.08 | 70–120 | 0.25 | 0.35 |
| Ipronidazole (ppb) [2] | 2 | 60–90 | 0.20 | 0.28 |
| Nitrosamine (ppb)[2] | 5 | 70–110 | 0.25 | 0.35 |

[1] Laboratory statistics are computed over all results (excluding PCB results), and for specific chemical residues.
[2] Laboratory statistics are only computed for specific chemical residues.
[3] The standardizing value for all initial accreditation and probationary check sample computations is 0.15.

(b) *Laboratories accredited for analysis of protein, moisture, fat, and salt content of meat and meat products.*—(1) *Applying for accreditation.*[2] Application for accreditation shall be made in writing by the owner or operator of the non-Federal analytical laboratory and sent to the Accredited Laboratory Coordinator, Chemistry Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. A laboratory whose accreditation has been refused or revoked under the circumstances described in paragraphs (d)(1), (d)(2), (g)(1) or (g)(2) of this section may reapply for accreditation no sooner than 6 months after the effective date of that action, and must provide written documentation specifying what corrections were made. The applying laboratory will bear all costs associated with its application process.

(2) *Criteria for obtaining accreditation.* Non-Federal analytical laboratories may be accredited for the analyses of moisture, protein, fat, and salt content of poultry and poultry products. Accreditation will be given only if the applying laboratory successfully satisfies the requirements presented below, for all 4 analytes. This accreditation authorizes official FSIS acceptance of the analytical test results provided by these laboratories on official samples. To obtain FSIS accreditation for moisture, protein, fat, and salt analyses, a non-Federal analytical laboratory must:

(i) Be supervised by a person holding, as a minimum, a bachelor's degree in either chemistry, food science, food technology, or a related field and having 1 year's experience in food chemistry, or equivalent qualifications, as determined by the Administrator.

(ii) Demonstrate acceptable levels of systematic laboratory difference, variability, and individual large deviations in the analyses of moisture, protein, fat and salt content using AOAC methods. An applying laboratory will successfully demonstrate these capabilities if its moisture, protein, fat, and salt results from a 36 check sample accreditation study each satisfy the criteria presented below.[3] If the laboratory's analysis of an analyte (or analytes) from the first set of 36 check samples does not meet these criteria for obtaining accreditation, a second set of 36 samples will be provided to the applying laboratory to be analyzed for only those analyte(s) that had unacceptable results initially. If the results of the second set of samples do not meet the criteria, an additional set of accreditation check samples (which must be analyzed for all 4 analytes) will not be provided for at least a 6 month period, commencing from the date on which the analytical results of the second set of samples were postmarked to FSIS.

(A) Systematic Laboratory Difference: The absolute value of the average standardized difference must not exceed 0.73 minus the product of 0.17 and the standard deviation of the standardized differences.

(B) Variability: The estimated standard deviation of the standardized differences must not exceed 1.15.

(C) Individual Large Deviations: One hundred times the average of the large deviation measures of the individual samples must be less than 5.0.[4]

(iii) Allow inspection of the laboratory by FSIS officials prior to the determination of granting accredited status.

(3) *Criteria for maintaining accreditation.* To maintain accreditation for moisture, protein, fat, and salt analyses, a non-Federal analytical laboratory must:

(i) Report analytical results of the moisture, protein, fat, and salt content of official samples, weekly, on designated forms to the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS.

(ii) Maintain laboratory quality control records for the most recent 3 years that samples have been analyzed under this Program.

(iii) Maintain complete records of the receipt, analysis, and disposition of official samples for the most recent 3 years that samples have been analyzed under this Program.

(iv) Maintain a standard book, which is a permanently bound book with sequentially numbered pages, containing all readings and calculations for standardization of solutions, determination of recoveries, and calibration of instruments. All entries are to be dated and signed within 2 working days by the analyst and his/her supervisor. The standards book is to be retained for a period of 3 years after the last entry is made.

(v) Analyze interlaboratory accreditation maintenance check samples and return the results to FSIS within 3 weeks of sample receipt. This must be done whenever requested by FSIS and at no cost to FSIS.

(vi) Inform the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS, by certified or registered mail, within 30 days when there is any change in the laboratory's ownership, officers, directors, supervisory personnel, or other responsibly connected individual or entity.

(vii) Permit any duly authorized representative of the Secretary to

[2] Laboratories designated by FSIS as "certified" prior to the effective date of this regulation will automatically become accredited laboratories for their current type of analysis without complying with paragraphs (b)(1) and (b)(2) of this section. However, all other requirements of this section shall be applicable to such laboratories. If at a later date, however, the laboratory has its accreditation revoked, it must comply with paragraphs (b)(1) and (b)(2) of this section.

[3] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[4] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

perform both announced and unannounced on-site laboratory reviews of facilities and records during normal business hours.

(viii) Use official AOAC methods [5] on official and check samples.

(ix) Demonstrate that acceptable levels of systematic laboratory difference, variability, and individual large deviations are being maintained in the analyses of moisture, protein, fat, and salt content. An accredited laboratory will successfully demonstrate the maintenance of these capabilities if its moisture, protein, fat, and salt results from split samples and interlaboratory accreditation maintenance check samples each satisfy the criteria presented below.[6]

(A) Systematic Laboratory Difference:

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–P. This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.4,

−2.0, if the standardized difference is less than −1.6,

or

the standardized difference minus 0.4, if the standardized difference lies between −1.6 and 2.4, inclusive.

(*ii*) Compute the new CUSUM–P value. The new CUSUP–P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–P value. If this computation yields a value smaller than 0, the new CUSUM–P value is set equal to 0. (CUSUM–P values are initialized at zero; that is, the CUSUM–P value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–P value. The new CUSUM–P value must not exceed 5.2.

(*2*) Negative systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–N. This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.6,

2.0, if the standardized difference is less than −2.4,

or

the standardized difference plus 0.4, if the standardized difference lies between −2.4 and 1.6, inclusive.

(*ii*) Compute the new CUSUM–N value. The new CUSUM–N value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–N value. If this computation yields a value smaller than 0, the new CUSUM–N value is set equal to 0. (CUSUM–N values are initialized at zero; that is, the CUSUM–N value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–N value. The new CUSUM–N value must not exceed 5.2.

(*B*) Variability: The absolute value of the standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–V. This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(*2*) Compute the new CUSUM–V value. The new CUSUM–V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–V value. If this computation yields a value less than 0, the new CUSUM–V value is set equal to 0. (CUSUM–V values are initialized at zero; that is, the CUSUM–V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–V value. The new CUSUM–V value must not exceed 4.3.

(*C*) Large Deviations: The large deviation measure of the accredited laboratory's result for each split sample or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–D.[4] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the value of the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM–D value. The new CUSUM–D value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–D value. If this computation yields a value less that 0, the new CUSUM–D value is set equal to 0. (CUSUM–D values are initialized at zero; that is, the CUSUM–D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–D value. The new CUSUM–D value must not exceed 1.0.

(x) Meet the following requirements if placed on probation pursuant to paragraph (e) of this section:

(A) Send all official samples that have not been analyzed as of the date of written notification of probation to a specified FSIS laboratory by certified mail or private carrier. Mailing expenses will be paid by FSIS.

(B) Analyze a set of check samples similar to those used for initial accreditation, and submit the analytical results to FSIS within 3 weeks of receipt of the samples.

(C) Satisfy criteria described in paragraph (b)(2)(ii) of this section on the above mentioned check samples.

(xi) Expeditiously report analytical results of official samples in accordance with the instructions of the Accredited Laboratory Coordinator. The Federal inspector at any establishment may assign the analysis of official samples to an FSIS laboratory if, in his/her view, there are delays in receiving test results on official samples from an accredited laboratory.

(c) *Laboratories accredited for analysis of a class of chemical residues in meat and meat food products.*

(1) *Applying for accreditation.*[7] Application for accreditation shall be make in writing by the owner or operator of the non-Federal analytical laboratory and sent to the Accredited Laboratory Coordinator, Chemistry Division, Science, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. A

[5] Copies of the "Official Methods of Analysis of the Association of Official Analytical Chemists" are on file with the Director, Office of the Federal Register, and may be purchased from the AOAC, 1111 N. 19th Street, Suite 210, Arlington, VA 22209.

[6] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[7] Laboratories designated by FSIS as "recognized" prior to the effective date of this regulation will automatically become accredited laboratories for their current type of analysis without complying with paragraphs (c)(1), and (c)(2) of this section. However, all other requirements of this section shall be applicable to such laboratories. If at a later date, however, the laboratory has its accreditation revoked, it must comply with paragraphs (c)(1) and (c)(2) of this section.

laboratory whose accreditation has been refused or withdrawn under the circumstances described in paragraph (d)(1), (d)(2), (g)(1) or (g)(2) of this section may reapply for accreditation no sooner than 6 months after the effective date of that action, and must provide written documentation specifying what corrections were made. The applying laboratory will bear all costs associated with its application process.

(2) *Criteria for obtaining accreditation.* Non-Federal analytical laboratories may be accredited for the analysis of a class of chemical residues in poultry and poultry products. Accreditation will be given only if the applying laboratory successfully satisfies the requirements presented below. This accreditation authorizes official FSIS acceptance of the analytical test results provided by these laboratories on official samples. To obtain FSIS accreditation for the analysis of a class of chemical residues, a non-Federal analytical laboratory must:

(i) By supervised by a person holding, as a minimum, a bachelor's degree in either chemistry, food science, food technology, or a related field and having 3 years' experience determining analytes at or below part per million levels in analytical chemistry, or equivalent qualifications, as determined by the Administrator.

(ii) Demonstrate acceptable levels of systematic laboratory difference, variability, individual large deviations, recoveries, and proper identification in the analysis of the class of chemical residues for which application was made, using FSIS approved procedures. An applying laboratory will successfully demonstrate these capabilities if its analytical results for each specific chemical residue provided in a check sample accreditation study containing a minimum of 14 samples satisfy the criteria presented below.[8] In addition, if the laboratory is requesting accreditation for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria. (Conformance to criteria (A), (B), (C), and (D) will only be determined when 6 or more analytical results with associated comparison means at or above the minimum proficiency level are available.) If the results of the first set of samples do not meet these criteria for obtaining accreditation, a second set of at least 14 samples will be provided to the applying laboratory. If the results of the second set of samples do not meet the criteria, an additional set of accreditation check samples will not be provided for a 6 month period, commencing from the date on which the analytical results of the second set of samples were postmarket to FSIS.

(A) *Systematic Laboratory Difference:* The absolute value of the average standardized difference must not exceed 1.67 (2.00 if there are less than 12 analytical results) minus the product of 0.29 and the standard deviation of the standardized differences.

(B) *Variability:* The standard deviation of the standardized differences must not exceed a computed tolerance. This tolerance is a function of the number of analytical results used in the computation of the standard deviation, and of the amount of variability associated with the results from the participating FSIS laboratories.

(C) *Individual Large Deviations:* One hundred times the average of the large deviation measures of the individual analytical results must be less than 5.0.[9]

(D) *QA Recovery:* The average of the QA recoveries of the individual analytical results must lie within the range given in Table 2 under the column entitled "Percent Expected Recovery."

(E) *QC Recovery:* All QC recoveries must lie within the range given in Table 2 under "Percent Expected Recovery." Supporting documentation must be made available to FSIS upon request.

(F) *Correct Identification:* There must be correct identification of all chemical residues in all samples.

(iii) Allow inspection of the laboratory by FSIS officials prior to the determination of granting accredited status.

(3) *Criteria for maintaining accreditation.* To maintain accreditation for analysis of a class of chemical residues, a non-Federal analytical laboratory must:

(i) Report analytical chemical residue results from official samples, weekly on designated forms to the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS.

(ii) Maintain laboratory quality control records for the most recent 3 years that samples have been analyzed under this Program.

(iii) Maintain complete records of the receipt, analysis, and disposition of official samples for the most recent 3 years that samples have been analyzed under the Program.

(iv) Maintain a standards book, which is a permanently bound book with sequentially numbered pages, containing all readings and calculations for standardization of solutions, determination of recoveries, and calibration of instruments. All entries are to be dated and signed within 2 working days by the analyst and his/her supervisor. The standards book is to be retained for a period of 3 years after the last entry is made.

(v) Analyze interlaboratory accreditation maintenance check samples and return the results to FSIS within 3 weeks of sample receipt. This must be done whenever requested by FSIS and at no cost to FSIS.

(vi) Inform the Accredited Laboratory Coordinator, Chemistry Division, Science Program, FSIS, by certified or registered mail, within 30 days when there is any change in the laboratory's ownership, officers, directors, supervisory personel, or any other responsibly connected individual or entity.

(vii) Permit any duly authorized representative of the Secretary to perform both announced and unannounced on-site laboratory reviews of facilities and records during normal business hours.

(viii) Use analytical procedures designated and approved by FSIS.

(ix) Demonstrate that acceptable levels of systematic laboratory difference, variability, and individual large deviations are being maintained in the analysis of official samples, in the chemical residue class for which accreditation was granted. A laboratory will successfully demonstrate the maintenance of these capabilities if its analytical results for each specific chemical residue found in split samples satisfy the criteria presented below.[10] [11] In addition, if the laboratory is accredited for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria.

(A) Systematic Laboratory Difference:

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM-

[8] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[9] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

[10] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[11] An analytical result will only be used in the statistical evaluation of the laboratory if the associated comparison mean is equal to or greater than the minimum proficiency level for the residue.

P.[13] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.5, −2.0, if the standardized difference is less than −1.5,

or

the standardized difference minus 0.5, if the standardized difference lies between −1.5 and 2.5, inclusive.

(*ii*) Compute the new CUSUM-P value. The new CUSUM-P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM-P value. If this computation yields a value smaller than 0, the new CUSUM-P value is set equal to 0. (CUSUM-P values are initialized at zero; that is, the CUSUM-P value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM-P value. The new CUSUM-P value must not exceed 4.8.

(*2*) Negative systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM-N.[13] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.5,

2.0, if the standardized difference is less than −2.5,

or

the standardized difference plus 0.5, if the standardized difference lies between −2.5 and 1.5, inclusive.

(*ii*) Compute the new CUSUM-N value. The new CUSUM-N value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM-N value. If this computation yields a value smaller than 0, the new CUSUM-N value is set equal to 0. (CUSUM-N values are initialized at zero; that is, the CUSUM-N value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM-N value. The new CUSUM-N value must not exceed 4.8.

(B) Variability: The absolute value of the standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM-V.[14] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(*2*) Compute the new CUSUM-V value. The new CUSUM-V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM-V value. If this computation yields a value less than 0, the new CUSUM-V value is set equal to 0. (CUSUM-V values are initialized at zero; that is, the CUSUM-V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM-V value. The new CUSUM-V value must not exceed 4.3.

(C) Large Deviations: The large deviation measure of the accredited laboratory's result for each split sample is used to determine a CUSUM value, designated as CUSUM-D.[15] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM-D value. The new CUSUM-D is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM-D value. If this computation yields a value less than 0, the new CUSUM-D value is set equal to 0. (CUSUM-D values are initialized at zero; that is, the CUSUM-D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM-D value. The new CUSUM-D value must not exceed 1.0.

(x) Meet the following requirements if placed on probation pursuant to paragraph (e) of this section:

(A) Send all official samples that have not been analyzed as of the date of written notification of probation to a specified FSIS Science Laboratory by certified mail or private carrier. Mailing expenses will be paid by FSIS.

(B) Analyze a set of check samples similar to those used for initial accreditation, and submit analytical results to FSIS within 3 weeks of receipt of the samples.

(C) Satisfy criteria described in paragraph (c)(2)(ii) of this section on the above mentioned check samples.

(xi) Expeditiously report analytical results of official samples in accordance with the instructions of the Accredited Laboratory Coordinator. The Federal inspector at any establishment may assign the analysis of official samples to an FSIS laboratory if, in his/her view, there are delays in receiving test results on official samples from an accredited laboratory.

(xii) Every QC recovery associated with reporting of official samples must be within the appropriate range given in Table 2 under "Percent Expected Recovery." Supporting documentation must be made available to FSIS upon request.

(xiii) Demonstrate that acceptable levels of systematic laboratory difference, variability, individual large deviations, recoveries, and proper identification are being maintained in the analysis of interlaboratory accreditation maintenance check samples, in the chemical residue class for which accreditation was granted. A laboratory will successfully demonstrate the maintenance of these capabilities if its analytical results for each specific chemical residue found in interlaboratory accreditation maintenance check samples satisfy the criteria presented below. In addition, if the laboratory is accredited for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria.

(A) *Systematic Laboratory Difference.*

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and the comparison means for each interlaboratory accreditation

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[13] When determining compliance with this criterion for all chlorinated hydrocarbon results in a sample collectively, the following statistical procedure must be followed to account for the correlation of analytical results within a sample: The average of the standardized differences of the analytical results within the sample, divided by a constant, is used in place of a single standardized difference to determine the CUSUM-P (or CUSUM-N) value for the sample. The constant is a function of the number of analytical results used to compute the average standardized difference.

[14] See footnote 12.

[14] When determining compliance with this criterion for all chlorinated hydrocarbon results in a sample collectively, the following statistical procedure must be followed to account for the correlation of analytical results within a sample: The square root of the sum of the within sample variance and the average standardized difference of the sample, divided by a constant, is used in place of the absolute value of the standardized difference to determine the CUSUM-V value for the sample. The constant is a function of the number of analytical results used to compute the average standardized difference.

[15] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1 - (2.5/d)^4$ otherwise.

maintenance check sample is used to determine a CUSUM value, designated as CUSUM–P.[16] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.5,

−2.0, if the standardized difference is less than −1.5,

or

the standardized difference minus 0.5, if the standardized difference lies between −1.5 and 2.5, inclusive.

(*ii*) Compute the new CUSUM–P value. The new CUSUM–P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–P value. If this computation yields a value smaller than 0, the new CUSUM–P value is set equal to 0. (CUSUM–P values are initiated at zero; that is the CUSUM–P value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–P value. The new CUSUM–P value must not exceed 4.8.

(*2*) Negative systematic laboratory difference: The standardized difference between the accredited laboratory's result and the comparison mean for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–N.[17] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.5,

2.0, if the standardized difference is less than −2.5,

or

the standardized difference plus 0.5, if the standardized difference lies between −2.5 and 1.5, inclusive.

(*ii*) Compute the new CUSUM–N value. The new CUSUM–N value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–N value. If this computation yields a value smaller than 0, the new CUSUM–N value is set equal to 0. (CUSUM–N values are initialized at zero; that is, the CUSUM–N value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–N value. The new CUSUM–N value must not exceed 4.8.

[16] *See* footnote 12.

[17] *See* footnote 12.

(B) *Variability:* The absolute value of the standardized difference between the accredited laboratory's result and the comparison mean for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–V.[18] This value is computed and evaluated as follows:

(1) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(2) Compute the new CUSUM–V value. The new CUSUM–V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–V value. If this computation yields a value less than 0, the new CUSUM–V value is set equal to 0. (CUSUM–V values are initialized at zero; that is, the CUSUM–V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(3) Evaluate the new CUSUM–V value. The new CUSUM–V value must not exceed 4.3

(C) *Large Deviations*: The large deviation measure of the accredited laboratory's result for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–D.[19] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the value of the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM–D value. The new CUSUM–D is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–D value. If this computation yields a value less than 0, the new CUSUM–D value is set equal to 0. (CUSUM–D values are initialized at zero; that is, the CUSUM–D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–D value. The new CUSUM–D value must not exceed 1.0.

(D) Each QC Recovery is within the range given in Table 2 under "Percent Expected Recovery". Supporting documentation must be made available to FSIS upon request.

(E) Not more than 1 residue misidentification in any 2 consecutive check samples.

(F) Not more than 2 misidentifications in any 8 consecutive check samples.

(d) *Refusal of accreditation.* Upon a determination by the Administrator, a laboratory will be refused accreditation for the following reasons:

(1) a laboratory shall be refused accreditation for moisture, protein, fat, and salt analysis for failure to meet the requirements of paragraph (b)(1) or (b)(2) of this section.

(2) A laboratory shall be refused accreditation for chemical residue analysis for failure to meet the requirement of paragraph (c)(1) or (c)(2) of this section.

(3) A laboratory shall be refused subsequent accreditation for failure to return to an FSIS laboratory, by certified mail or private carrier, all official samples which have not been analyzed as of the notification of a loss of accreditation.

(4) A laboratory shall be refused accreditation if the applicant or any individual or entity responsibly connected with the applicant has been convicted of or is under indictment or if charges on an information have been brought against the applicant or responsibly connected individual or entity in any Federal or State court concerning the following violations of law:

(i) Any felony.

(ii) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(iii) Any misdemeanor based upon a false statement to any governmental agency.

(iv) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(e) *Probation of accreditation.* Upon a determination by the Administrator, a laboratory shall be placed on probation for the following reasons:

(1) If the laboratory fails to complete more than one interlaboratory accreditation maintenance check sample analysis within 12 consecutive months as required by paragraphs (b)(3)(v) and (c)(3)(v) of this section, unless written permission is granted by the Administrator to exceed the time limit.

(2) If the laboratory fails to meet any of the criteria set forth in paragraphs

[18] *See* footnote 14.

[19] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

(b)(3)(v) and (b)(3)(ix) and (c)(3)(v) and (c)(3)(ix) of this section.

(f) *Suspension of Accreditation.* The accreditation of a laboratory shall be suspended if the laboratory or any individual or entity responsibly connected with the laboratory is indicted or if charges on an information have been brought against the laboratory or responsibly connected individual or entity in any Federal or State court concerning any of the following violations of law:

(1) Any felony.

(2) Any misdemeanor based upon acquiring, handling or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(3) Any misdemeanor based upon a false statement to any governmental agency.

(4) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(g) *Revocation of Accreditation.* The accreditation of a laboratory shall be revoked for the following reasons:

(1) An accredited laboratory which is only accredited to perform analysis under paragraph (b) of this section shall have its accreditation revoked for failure to meet any of the requirements of paragraph (b)(3). If the recipient laboratory fails to meet any of the criteria set forth in paragraph (b)(3)(v) and (b)(3)(ix), and if more than one year has passed since the end of any previous probationary period, the accredited laboratory will be placed on probation in lieu of having its accreditation revoked.

(2) An accredited laboratory which is only accredited to perform analysis under paragraph (c) of this section shall have its accreditation revoked for failure to meet the requirements of paragraph (c)(3) of this section. If the recipient laboratory fails to meet any of the criteria set forth in paragraphs (c)(3)(v), (c)(3)(ix), and (c)(3)(xiii) of this section, and if more than one year has passed since the end of any previous probationary period, the laboratory will be placed on probation in lieu of having its accrediation revoked.

(3) An accredited laboratory shall have its accreditation revoked if the Administrator determines that the laboratory or any responsibly connected individual or any agent or employee has:

(i) Altered any official sample or analytical finding, or,

(ii) Substituted an analytical result from a non-accredited laboratory for its own.

(4) An accredited laboratory shall have its accreditation revoked if the laboratory or any individual or entity responsibly connected with the laboratory is convicted in a Federal or State court of any of the following violations of law:

(i) Any felony.

(ii) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(iii) Any misdemeanor based upon a false statement to any governmental agency.

(iv) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(h) *Notification and Hearings.* Accreditation of any laboratory shall be refused, suspended, or revoked under the conditions previously described herein. The owner or operator of the laboratory shall be sent written notice of the refusal, suspension, or revocation of accreditation by the Administrator. In such cases, the laboratory owner or operator will be provided an opportunity to present, within 30 days of the date of the notification, a statement challenging the merits of validity of such action and to request an oral hearing with respect to the denial, suspension, or revocation decision. An oral hearing shall be granted if there is any dispute of material fact joined in such responsive statement. The proceeding shall thereafter be conducted in accordance with the applicable rules of practice which shall be adopted for the proceeding. Any such refusal, suspension, or revocation shall be effective upon the notification and shall continue in effect until final determination of the matter by the Administrator.

(Recordkeeping requirements under this section approved by the Office of Management and Budget under OMB control number 0583-0015)

Done at Washington, DC, on April 12, 1985.

**Donald L. Houston,**

*Administrator, Food Safety and Inspection Service.*

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## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 352

### Nondiscrimination on the Basis of Handicap

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed regulation implements the spirit of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by various Executive agencies. Although the Federal Deposit Insurance Corporation ("FDIC") does not believe that Congress contemplated coverage of non-appropriated, independent regulatory agencies such as the FDIC, it has chosen to promulgate this proposed regulation to ensure that, to the extent practicable, handicapped persons are provided with equal access to FDIC programs and activities.

**DATE:** To be assured of consideration, comments must be in writing and must be received on or before June 17, 1985. Comments should refer to specific sections in the regulation.

**ADDRESS:** Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Comments may be hand delivered to Room 6108 between the hours of 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** M. Jane Williamson, Attorney, Legal Division (202/389-4151), or Thomas W. Louden, Jr., Assistant to the Associate Director, Division of Accounting and Corporate Services (202/389-4251), Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

**SUPPLEMENTARY INFORMATION:**

#### Analysis of Selected Provisions

*Section 352.2 Application*

The proposed regulation would apply to all programs or activities conducted by the FDIC to the extent that they are available to members of the general public. A list of these programs and activities appears in section 352.2 of this regulation. Section 352.2 also confirms that this regulation is applicable only to the listed programs and activities of the FDIC, and does not apply to financial institutions insured and/or regulated by the FDIC or to FDIC-assisted programs. On this basis, and in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Board of Directors hereby certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

*Section 352.3 Definitions*

Paragraph (b) "Complete complaint." The definition of "complete complaint" enables the FDIC to determine the beginning of its obligation to investigate a complaint (*see* § 352.10(b)).

Paragraph (c) "Facility." The definition of "facility" is similar to that in the existing section 504 regulations

for federally assisted (as opposed to federally conducted) programs, 28 CFR 41.3(f), except that the term "or personal property" and the phrase "or interest in such property" have been deleted. The phrase "which must be accessible to ensure participation in the FDIC programs and activities listed in § 352.2" has been added to clarify the term's coverage. The term "facility" is used in § 352.7.

Paragraph (d) "handicapped person." The definition of "handicapped person" is similar to the definition appearing in the section 504 regulation for federally assisted programs (28 CFR 41.31), differing only in minor word changes.

Paragraph (e) "Qualified handicapped person." The definition of "qualified handicapped person" is a revised version of the definition appearing in the section 504 regulation for federally assisted programs (28 CFR 41.32).

This definition deviates from existing regulations for federally assisted programs because of intervening court decisions. Paragraph (1) defines "qualified handicapped person" with regard to any program, such as employment, under which a person is required to perform services or to achieve a level of accomplishment. The definition reflects the decision of the Supreme Court in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), which held that a handicapped person who could not achieve the purpose of a program without modifications that would result in a fundamental alteration of its nature was not a "qualified handicapped person" within the meaning of section 504. The Court went on to state that section 504 does not require modifications that would result in "undue financial and administrative burdens". *Id.* at 412. Since *Davis*, circuit courts have applied this limitation upon a showing that only one of the two "undue burdens" would be created as a result of the modification sought to be imposed under section 504. *See, e.g., Dopico* v. *Goldschmidt*, 687 F.2d 644 (2d Cir. 1982); *American Public Transit Association* v. *Lewis*, 655 F.2d 1272 (D.C. Cir. 1981).

The proposed regulation incorporates the Court's language in the definition of "qualified handicapped person" in order to make clear that such a person must be able to participate in the program offered by the FDIC. The FDIC is required to make modifications in order to enable a handicapped individual to participate, but is not required to offer a program of a fundamentally different nature or to make modifications which would result in undue financial or administrative burdens. Although the revised definition allows exclusion of some handicapped people from some programs, it requires that a handicapped person who is capable of achieving the purpose of the program must be accommodated, provided that the modifications do not fundamentally alter the nature of the program or result in undue financial or administrative burdens.

Paragraph (f) "Reasonable accommodations." The definition of "reasonable accommodations" also incorporates the standards articulated by the Supreme Court in *Southeastern Community College* v. *Davis*, 422 U.S. 397 (1979). Examples of reasonable accommodations include modification of work equipment, relocation of sevices and modified work schedules. No exhaustive list of "reasonable accommodations" is possible, as determination of those accommodations needed by handicapped employees or participants in FDIC programs or activities must generally be made on a case-by-case basis.

Paragraph (g) "Section 504." This definition clarifies that, as used in this regulation, "section 504" does not refer to that portion of 29 U.S.C. 794 addressing programs and activities receiving federal financial assistance.

*Section 352.4 Self-evaluation.*

This section would require the FDIC to conduct a self-evaluation of its program implementing the spirit of section 504 within one year of the effective date of this regulation. A similar self-evaluation requirement is present in the existing section 504 regulation for programs or activities receiving federal financial assistance (28 CFR 41.5(b)(2)).

*Section 352.5 General Requirements.*

Section 352.5 states general principles which serve as the analytical foundation for the remaining sections of the regulation. Whenever the FDIC has violated a provision in any of the subsequent sections, it has also violated one of the general principles found in § 352.5. When there is no applicable subsequent provision, the general prohibition stated in this section would apply.

Paragraph (a) restates the nondiscrimination goals of section 504, and prohibits the FDIC from refusing to provide a handicapped person with an equal opportunity to participate in or benefit from its program simply because the person is handicapped. Such exclusionary practices often result from the use of irrebuttable presumptions that absolutely exclude certain classes of disabled persons (*e.g.*, epileptics, vision-impaired or hearing-impaired persons, persons with heart ailments) from participation in programs or activities without regard to an individual's actual ability to participate. Use of an irrebuttable presumption is permissible only when in all cases a physical condition by its very nature would prevent an individual from meeting the essential eligibility requirements for participation in the activity in question.

Section 504, however, prohibits more than just the most obvious denials of equal treatment. It is not enough to admit persons in wheelchairs to a program it the facilities in which the program is conducted are inaccessible. Paragraph (b), therefore, requires that the FDIC make all reasonable accommodations which are necessary to ensure that qualified handicapped individuals are provided with an equal opportunity to benefit from services provided by the FDIC. The later sections on program accessibility (§§ 352.7—352.8) and communications (§ 352.9) are specific applications of this principle.

*Section 352.6 Employment.*

Section 352.6 prohibits discrimination on the basis of handicap in employment by the FDIC. This regulation is in accord with a recent decision of the United States Court of Appeals for the Fifth Circuit which holds that, despite the resulting overlap of coverage with section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), Congress intended section 504 to cover the employment practices of federal agencies. The Court also held that in order to give effect to both section 504 and section 501, the administrative procedures of section 501 must be followed in processing section 504 complaints. *Prewitt* v. *United States Postal Service*, 662 F.2d 292 (5th Cir. 1981).

Consistent with that decision, this section provides that the standards, requirements, and procedures of section 501 of the Rehabilitation Act, as established in regulations of the Equal Employment Opportunity Commission (EEOC) at 29 CFR Part 1613, shall be those applicable to employment in the FDIC. In addition to this section, § 352.10(b) of this regulation specified that the FDIC will continue to use the existing EEOC procedures to resolve allegations of employment discrimination.

*Section 352.7 Program Accessibility: Existing Facilities.*

This regulation adopts the program accessibility concept found in the existing section 504 regulation for programs or activities receiving federal financial assistance (28 CFR 41.56-41.58), with certain modifications. The regulation makes clear that the FDIC is not required to make each of its existing facilities accessible (§ 352.7(a)(1)). However, § 352.7, unlike 28 CFR 41.56-41.57, places explicit limits on the

FDIC's obligation to ensure program accessibility (§ 352.7(a)(2)).

Paragraph (a)(2) generally codifies recent case law that defines the scope of the FDIC's obligation to ensure program accessibility. The provisions of this paragraph, like those found in §§ 352.3(f)(1) and (2), and 352.9(e), are based on the Supreme Court's holding in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), and the decisions of lower courts following the *Davis* opinion.

Paragraph (a)(2), however, does not establish an absolute defense; it does not relieve the FDIC of all obligations to handicapped persons. Although the FDIC is not required to take actions that would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens, it nevertheless must take other feasible steps, if any, to ensure that handicapped persons receive the benefits and services of the aforementioned programs or activities.

*Section 352.8 Program Accessibility: New Construction and Alterations.*

Section 352.8 incorporates the standards articulated by the Supreme Court in *Southeastern Community College* v. *Davis*, 442 U.S. 397(1979). It requires the FDIC to make accessible the buildings in which the programs and activities set forth in § 352.2 are conducted, if such buildings are newly constructed or substantially altered for the use of the FDIC, except to the extent that providing such accessibility would result in changes in the fundamental nature of an FDIC program or activity or in undue financial or administrative burdens. To the extent that FDIC facilities are not subject to § 352.8, they will be subject to the requirements of § 352.7.

*Section 352.9 Communications.*

Section 352.9 requires the FDIC to provide an opportunity for handicapped persons to request the auxiliary aids of their choice. This expressed choice, when reasonable, shall be considered by the FDIC. Section 352.9(e) limits the obligation of the FDIC to ensure effective communication in accordance with *Davis* and the circuit court opinions interpreting in (*see supra*, comments to § 352.2(f)). Unless not required by § 352.9(e), the FDIC shall provide auxiliary aids at no cost to the handicapped person.

In some circumstances, written materials may be sufficient to permit effective communication with a hearing-impaired person. If, however, a hearing-impaired applicant or participant is not skilled in spoken or written language, for example, a sign language interpreter may be appropriate. For vision-impaired persons, effective communication might be achieved by several means, including readers and audio recordings.

Auxiliary aids must be afforded where necessary to ensure effective communication with vision-impaired and hearing-impaired persons involved in hearings conducted by the FDIC. If sign language interpreters are necessary, the FDIC may require that it be given reasonable notice prior to the proceeding of the need for an interpreter. Moreover, the FDIC need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature except for FDIC-related purposes. For example, the FDIC need not provide eye glasses or hearing aids to applicants or participants in its programs. Similarly, the regulation does not require the FDIC to provide wheelchairs to persons with mobility impairments.

*Section 352.10 Compliance Procedures.*

Paragraph (a) specifies that paragraphs (c) through (k) of this section establish the procedures for processing complaints other than employment complaints. Paragraph (b) provides that the FDIC will process employment complaints according to procedures established in existing regulations of the EEOC (29 CFR Part 1613) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

**List of Subjects in 12 CFR Part 352**

Blind, Civil rights, Equal employment opportunity, Federal buildings and facilities, Handicapped.

It is proposed that title 12 of the Code of Federal Regulations be amended by adding Part 352 as follows:

## PART 352—NONDISCRIMINATION ON THE BASIS OF HANDICAP

Sec.



**Authority:** 12 U.S.C. 1819.

### § 352.1 Purpose.

The purpose of this part is to implement the spirit of section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by various Executive agencies. Although the Federal Deposit Insurance Corporation ("FDIC") does not believe that Congress contemplated coverage of non-appropriated, independent regulatory agencies such as the FDIC, it has chosen to promulgate this proposed regulation to ensure that, to the extent practicable, handicapped persons are provided with equal access to FDIC programs and activities.

### § 352.2 Application.

The majority of the FDIC's programs and activities do not involve the direct provision of benefits and services to, or participation by, members of the public. Members of the public are generally able to avail themselves of the following FDIC programs and activities:

(a) Attending open board meetings;

(b) Making inquiries or filing complaints at the FDIC Office of Congressional Affairs and Corporate Communications;

(c) Using the FDIC library in Washington, D.C.;

(d) Visiting an insured bank at which they conducted business (or an alternative liquidation site selected by the FDIC) and which has become insolvent, or been purchased by another bank under FDIC supervision, for the purpose of:

(1) Collecting FDIC checks for the insured amount of their deposits previously held in such bank; and/or

(2) Discussing with FDIC representatives the repayment of debts which they previously owed to such bank, prior to its failure or purchase by another bank under FDIC supervision;

(e) Seeking employment with the FDIC;

(f) Conducting regular banking business at a Deposit Insurance National Bank formed by the FDIC pursuant to the authority in 12 U.S.C. 1821(h).

The foregoing constitute the "programs and activities" of the FDIC for purposes of this regulation. This regulation does not apply to financial institutions insured and/or regulated by the FDIC or to FDIC-assisted programs.

### § 352.3 Definitions.

For purposes of this part, the term—

(a) "Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of,

the FDIC programs or activities set forth in § 352.2.

(b) "Complete complaint" means a written statement that contains the complainant's name and address and describes the FDIC's actions in sufficient detail to inform the FDIC of the nature and date of the alleged violation of these regulations. It shall be signed by the complainant or by someone authorized to do so on his or her behalf.

(c) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real property which must be accessible to ensure participation in the FDIC programs and activities set forth in § 352.2.

(d) "Handicapped person" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

(1) "Physical or mental impairment" includes—

(i) A physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one of more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) A mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(2) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the FDIC as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (d)(1) of this definition but is treated by the FDIC as having such an impairment.

(e) "Qualified handicapped person" means—

(1) With respect to any FDIC program or activity under which a person is required to perform services or to achieve a level of accomplishment, such as employment, a handicapped person who meets the essential eligibility requirements and who can perform the tasks required by the position without modifications in the program or activity that would result in a fundamental alteration in its nature or in undue financial or administrative burdens; and

(2) With respect to any other program or activity, a handicapped person who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity and whose participation would not require modifications in the program or activity that would result in a fundamental alteration in its nature or in undue financial or administrative burdens.

(f) "Reasonable accommodations" are those accommodations which can be made by the FDIC to ensure that a qualified handicapped individual is provided with an equal opportunity to participate in the programs or activities set forth in § 352.2 of these regulations, and which would not require modifications in the program or activity that would result in a fundamental alteration in its nature or in undue financial or administrative burdens.

(g) "Section 504" means section 504 of the rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794)), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L 93–516, 88 Stat. 1617), and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95–602, 92 Stat. 2955). As used in this regulation, section 504 shall be applied only to the programs and activities conducted by the FDIC as set forth in § 352.2 of this regulation.

### § 352.4 Self-evaluation.

Within one year of the effective date of this regulation, the FDIC shall conduct, with the assistance of interested persons, including designated handicapped persons, or organizations representing handicapped persons, expressing an interest in participating, a self-evaluation of its program implementing the spirit of section 504. Comments on the program made by such persons or organizations, while not binding on the FDIC for adoption, will be received and considered as part of the FDIC's self-evaluation process.

### § 352.5 General requirements.

(a) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the programs and activities conducted by the FDIC and set forth in § 352.2 this regulation.

(b) The FDIC, in providing any services under the programs and activities set forth in § 352.2 of this part, shall make all reasonable accommodations which are necessary to ensure that qualified handicapped persons are provided with an equal opportunity to benefit from such services.

### § 352.6 Employment.

No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the FDIC. The definitions, requirements, and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established in 29 CFR Part 1613, shall apply to employment in the FDIC.

### § 352.7 Program accessibility: Existing facilities.

(a) *General.* The FDIC shall operate each of the programs or activities set forth in § 352.2 of this part so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not—

(1) Necessarily require the FDIC to make each of its existing facilities accessible to and usable by handicapped persons; or

(2) Require the FDIC to take any action that would result in a fundamental alteration in the nature of a program or activity or in undue financial or administrative burdens. If an action would result in such an alteration or such burdens, the FDIC shall take other feasible actions, if any, that would not result in such an alteration or such burdens but would nevertheless ensure that handicapped persons receive the benefits and services of the program or activity.

(b) *Methods.* The FDIC may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities or any other methods that result in making its programs or activities readily accessible

to and usable by handicapped persons. The FDIC is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(c) *Time period for compliance.* The FDIC shall comply with the obligations established under this section within sixty days of the effective date of this part except that where structural changes in facilities are undertaken, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to existing facilities will be undertaken to achieve program accessibility, the FDIC shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed after consultation with representatives of the General Services Administration and the Architectural and Transportation Barriers Compliance Board. The plan shall—

(1) Identify physical obstacles in the FDIC's facilities that limit the accessibility of its programs or activities to handicapped persons;

(2) Describe the methods that will be used to make the facilities accessible;

(3) Specify the proposed schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify proposed steps that will be taken during each year of the transition period;

(4) Indicate the official responsible for implementation of the plan; and

(5) Identify the persons or groups with whose assistance the plan was prepared.

**§ 352.8 Program accessibility: New construction and alterations.**

Each building or part of a building in which the programs or activities set forth in § 352.2 of this part will be carried on, and which is newly constructed or substantially altered by, on behalf of, or for the use of the FDIC shall be designed, constructed or altered so as to be readily accessible to, and usable by, handicapped persons. This paragraph does not require the FDIC to take any action that would result in a fundamental alteration in the nature of a program or activity or in undue financial or administrative burdens. If an action would result in such an alteration or such burdens, the FDIC shall take other feasible actions, if any, that would not result in such an alteration or such burdens but would nevertheless ensure that handicapped persons receive the benefits and services of the program or activity.

**§ 352.9 Communications.**

(a) The FDIC shall take appropriate steps to ensure effective communication with applicants for, and participants in, the FDIC programs and activities set forth in § 352.2.

(1) The FDIC shall furnish appropriate auxiliary aids where necessary to afford a handicapped person an equal opportunity to participate in, and enjoy the benefits of, the FDIC programs or activities set forth in § 352.2 of this part.

(i) In determining what type of auxiliary aid is necessary, the FDIC shall consider any reasonable requests of the handicapped person.

(ii) The FDIC need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature except for FDIC-related purposes.

(2) Where the FDIC communicates with hearing impaired applicants and beneficiaries by telephone, telecommunications devices for deaf persons (TDDs) or equally effective telecommunication systems shall be used.

(b) The FDIC shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities. Interested persons may obtain such information by calling, writing or visiting the FDIC Office of Congressional Affairs and Corporate Communications, located at 550 17th Street, N.W., Washington, D.C. 20429. The Office of Congressional Affairs and Corporate Communications telephone number is (202) 389–4221 (Voice), or 389–4473 (District of Columbia area) and (800) 424–5488 (all others) (TDD).

(c) The FDIC shall provide information at a primary entrance to each of its accessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) The FDIC shall take appropriate steps to provide handicapped persons, upon request, with information regarding their rights under this regulation.

(e) This section does not require the FDIC to take any action that would result in a fundamental alteration in the nature of a program or activity or in undue financial or administrative burdens. If an action required to comply with this section would result in such an alteration or such burdens, the FDIC shall take other feasible actions, if any, that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, handicapped persons receive the benefits and services of the program or activity.

**§ 352.10 Compliance procedures.**

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in the FDIC programs or activities set forth in § 352.2 of this part.

(b) The FDIC shall process complaints alleging employment discrimination on the basis of handicap according to the procedures established in 29 CFR Part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) The Chairman of the FDIC shall designate an official to be responsible for coordinating implementation of this section.

(d) The FDIC shall accept and investigate all complete complaints over which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The FDIC may extend this time period for good cause.

(e) If the FDIC receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complainant to the appropriate government entity.

(f) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the FDIC shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings regarding the alleged violations;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(g) Appeals of the findings or remedies must be filed by the complainant within 90 days of receipt from the FDIC of the letter required by § 352.10(f). The FDIC may extend this time for good cause.

(h) Timely appeals shall be accepted and processed by the Chairman of the FDIC or designee.

(i) The Chairman of the FDIC or designee shall notify the complainant of the results of the appeal within 90 days of the receipt of the request. If the Chairman of the FDIC or designee determines that additional information is needed from the complainant, he or she shall have 60 days from the date of

receipt of the additional information to make a determination on the appeal.

(j) The FDIC may delegate its authority for conducting complaint investigations to other federal agencies, except that the authority for making the final determination may not be delegated.

By order of the Board of Directors, 8th day of April, 1985.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 85-8848 Filed 4-17-85; 8:45 am]

BILLING CODE 6714-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 101

**[Docket No. 80N-0314]**

## Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content; Proposed Extension of Effective Date

**AGENCY:** Food and Drug Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to extend until July 1, 1986, the effective date for compliance with the food labeling regulations requiring declaration of sodium content as part of the nutrition label. The current effective date for all affected products initially introduced or initially delivered for introduction into interstate commerce is July 1, 1985. FDA is proposing this extension to minimize economic burdens on certain manufacturers through loss of label inventories and to avoid expenditures of considerable agency resources.

**DATES:** Comments by May 20, 1985. The proposed extended effective date for compliance with the sodium labeling regulation is July 1, 1986.

**ADDRESS:** Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** F. Edward Scarbrough, Center for Food Safety and Applied Nutrition (HFF-204), Food and Drug Administration, 200 C St. SW, Washington, DC 20204, 202-245-3117.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of April 18, 1984 (49 FR 15510), FDA amended the food labeling regulations (21 CFR 101.9(c)) to require that sodium content of foods be included in nutrition labeling information whenever nutrition labeling appears on food labels. Although the sodium labeling regulation also provided for proper use of certain descriptive terms about sodium and salt content of foods as well as for voluntary disclosure of potassium content information, the only mandatory aspect of the final rule was the inclusion of sodium content information in nutrition labeling in situations where nutrition labeling is required. The effective date for compliance is July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after that date.

FDA addressed a number of comments in the preamble to the final regulation regarding the requirement that sodium content be a part of nutrition labeling. The agency responded to these comments by stating that the mandatory inclusion of sodium content information would not pose any significant hardship on those manufacturers who currently use nutrition labeling. At the same time, FDA indicated its interest in minimizing any unique burdens that may be placed on sectors of the food industry as a result of good-faith attempts to comply with the sodium labeling regulation. The agency expressed its willingness to consider as an alternative an extension of the effective date for compliance with the regulation on a case-by-case basis if information was submitted which reasonably demonstrated a need for and anticipated cost savings of adopting such action.

Subsequent to the publication of the final regulation, FDA received from a national trade organization representing the soft drink industry a petition for reconsideration raising a number of issues including a proposal for an alternative sodium disclosure for soft drinks and other products consisting largely of water. Although FDA has indicated that an exemption from sodium labeling requirements will not be granted to the soft drink industry, the agency has been willing to work further with the industry in resolving problems related to establishing sodium values to be declared on the labels of soft drinks.

FDA is currently evaluating the merits of the issues raised in the petition for reconsideration and intends to respond to that petition in the near future. Because the precise requirements for sodium disclosure on labels of soft drinks technically remained uncertain pending a response from FDA, NSDA has argued that there is not enough lead time remaining for bottlers to order new labels and still meet the July 1, 1985, deadline. The agency is aware that the soft drink industry requires a lead time on the order of 9 months to effect label changes. Consequently, FDA issued a letter on November 8, 1984, stating FDA's intent to extend, for the soft drink industry, the effective date for compliance with the sodium labeling regulations until July 1, 1986.

FDA has received a number of additional requests for extensions of the effective date for compliance with the sodium labeling regulation for labels of slow-moving items which will not be depleted by the July 1, 1985, deadline. Several of these requests documented that significant costs would be incurred if existing labels have to be destroyed before use. A majority of these requests have adequately demonstrated that steps have been taken to ensure that the labels of higher-volume items will be in compliance with the regulation before July 1, 1985. Additionally, the majority of those requesting an extension are already committed to providing sodium labeling on their labels with the next orders of labels. Although FDA had previously announced that requests for extensions would be considered on a case-by-case basis (as opposed to proposing a blanket extension of the effective date), it has since become apparent that this approach is no longer feasible. In view of the large number of requests already received, FDA anticipates that the number of labels that would ultimately be submittd for review is very large. Reviewing these labels and the supporting data to determine whether an extension is justified in each case would adversely affect the allocation of resources within the agency.

Because of this adverse impact on the agency's resources and because the information presented to the agency would indicate a potential increase in cost to consumers if manufacturers are unable to use the existing inventories on slow-moving products, the agency is proposing to extend the previously announced effective date for compliance with the mandatory provision of the sodium labeling regulation (requiring that sodium content be declared as a part of the nutrition label) for a period of 1 year until July 1, 1986. This delay would enable all affected manufacturers to effect any necessary label changes to comply with the labeling requirements of the final rule. The agency is stating, however, that it expects manufacturers who requested an extension of the effective date to move forward by

bringing their labels into compliance as soon as possible but no later than July 1, 1986.

Data obtained from the most recent "Food Label and Package Survey" and from a recent field survey conducted by FDA to monitor the prevalence of sodium information currently on food labels indicate that an extension such as that being proposed would produce only a marginal, short-term reduction in the projected availability of sodium labeled food. FDA believes that the circumstances above would not support an extension of the effective date beyond the proposed additional 1 year period, and industry is strongly encouraged to comply with the previous deadline of July 1, 1985, whenever possible.

FDA is proposing to extend the effective date of the sodium regulation by notice and comment rulemaking to accord with the Administrative Procedure Act and recent case law which has held that an extension of a regulation's effective date is the type of agency action that is ordinarily subject to the notice and comment procedure. *Council of Southern Mountains, Inc.* v. *Donovan*, 653 F.2d 573, 580 (D.C. Cir. 1981). *National Resources Defense Council, Inc.* v. *E.P.A.*, 683 F.2d 752 (3d Cir. 1982). This proposed extension would be consistent with alternative provisions previously considered in the agency's regulatory flexibility analysis to minimize the economic impact on small businesses while still accomplishing the stated objectives of the sodium labeling regulation.

List of Subjects in 21 CFR Part 101

Food labeling, Misbranding, Nutrition labeling, Warning statements.

## PART 101—FOOD LABELING

§ 101.9 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1040–1042 as amended 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that the effective date of paragraph (c)(8)(i) of § 101.9 *Nutrition labeling of foods* be extended until July 1, 1986.

Interested persons may, on or before May 20, 1985; submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 15, 1985.

**Joseph P. Hile,**

*Associate Commissioner for Regulatory Affairs.*

[FR Doc. 85-9455 Filed 4-16-85; 10:39 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 100

[CGD 3-85-05]

### Regatta; O.P.A. Classic, Barnegat Bay, NJ

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rule making.

**SUMMARY:** The Coast Guard is considering a proposal to establish Special Local Regulations for the Annual Offshore Performance Association (O.P.A.) Classic. The purpose of this regulation is to provide for the safety of participants and spectators on navigable waters during this powerboat race event.

**DATES:** Comments must be received on or before June 3, 1985.

**ADDRESSES:** Comments should be mailed to Commander (b), Third Coast Guard District, Governors Island, New York, NY 10004. The comments will be available for inspection and copying at the Boating Safety Office, Building 110, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** Lt. D.R. Cilley, (212) 668-7974.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3 85-05) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comments period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

**Drafting Information**

The drafters of this notice are Lt. D.R. Cilley, Project Officer, Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

**Discussion of Proposed Regulations**

The Annual O.P.A. Classic is a powerboat race sponsored by the Offshore Performance Association held on Barnegat Bay, New Jersey. This event is traditionally held each year on the second Saturday in June. Because of the annual nature of this event the Coast Guard proposes to promulgate a permanent amendment to Part 100 of Title 33, U.S. Code of Federal Regulations and thereafter provide the public with full and adequate notice of this annual powerboat race by publication in the Third District Local Notice to Mariners. There will be one (1), 4 lap, 60 miles National Powerboat Association (N.P.B.A.) sanctioned race. The course has been laid out so that there should be little or no interference with vessel traffic in the Intercoastal Waterway (I.C.W.). The sponsor is providing in excess of 40 patrol vessels in conjunction with Coast Guard and local resources to patrol this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the race course area and will establish spectator anchorages for the spectator fleet. Mariners are urged to use extreme caution when transiting the area due to the large number of spectator craft, and should adhere closely to the charted I.C.W.

**Economic Assessment and Certification**

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the race. This should have a favorable impact on commercial facilities providing services to the spectators. This area is used primarily by recreational boaters; any impact on commercial traffic in the area will be negligible.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water).

**Proposed Regulation**

**PART 100—[AMENDED]**

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations by adding § 100.301 to read as follows:

**§ 100.301 O.P.A. Classic, Barnegat Bay, N.J.**

(a) *Regulated Area:* Barnegat Bay, New Jersey in the area bounded on the north by 39 degrees 55 minutes north latitude, and on the south by 39 degrees 48 minutes north latitude, the Intercoastal Waterway (I.C.W.) on the west and Island Beach on the east.

(b) *Effective Period:* This regulation will be effective from 10:00 a.m. to 3:00 p.m. on June 15, 1985 and thereafter annually on the second Saturday in June or as published in the Third District Local Notice to Marines.

(c) *Special Local Regulations:* (1) Marines shall use extreme caution when transiting the regulated area and shall adhere closely to the charted I.C.W.

(2) All persons or vessels not registered with sponsor as participants or not part of the regatta patrol are considered spectators. Spectator vessels must be at anchor within the designated spectator area or moored to a waterfront facility in a way that will not interfere with mariners transiting the I.C.W. in Barnegat Bay.

(3) The spectator fleet shall be held behind special race course buoys provided by the sponsor in the following areas:

(i) Between the race course and Island Beach State Park in the area north of Tices Shoal.

(ii) Between the race course and the I.C.W. in the area from Holly Park to Forked River.

(4) No spectator or press boats shall be allowed out onto or across the race course without Coast Guard escort.

(5) The sponsor of the race shall anchor race committee boats at each of the five (5) turns. Checkpoints shall be positioned so that race participants will pass no closer to the I.C.W. than 200 feet. Special markers shall be provided by the sponsor to separate the course from the I.C.W.

(6) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(7) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navigation of a vessel.

(ii) $500 for the owner of a vessel actually on board.

(iii) $250 for any other person.

(iv) Suspensions or revocation of a license for a licensed officer.

(33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.46(b) and 33 CFR 100.35)

Dated: April 9, 1985.

**P.A. Welling,**

*Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.*

[FR Doc. 85-9359 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

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**33 CFR Part 110**

**[CGD9-85-01]**

## Anchorage Grounds; Chicago Harbor, IL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is considering a proposal to establish two new commercial vessel anchorages and disestablish one existing commercial vessel anchorage in Chicago Harbor. The existing anchorage known as "Anchorage F, Filtration Plan Slip" conflicts with plans for a large recreational vessel marina. The effect of this rule will be accommodation of the marina development and continued availability of anchorage areas suitable for lakegoing barge tows without anchors.

**DATES:** Comments must be received on or before June 3, 1985.

**ADDRESSES:** Comments should be mailed to Commander, Ninth Coast Guard District, Marine Port Environmental Safety Branch, 1240 E. 9th St., Cleveland, OH 44199. The comments and other materials referenced in this notice will be available for inspection and copying at Commander, Ninth Coast Guard District, Marine Port and Environmental Safety Branch, 1240 E. 9th St., Cleveland, OH 44199. Normal office hours are between 7:30 a.m. and 5:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** Ensign G.H. Burns, Marine Port and Environmental Safety Branch, Ninth Coast Guard District. Telephone number (216) 522-3919.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD9-85-01) and the specific section of the proposal to which their comments apply, and give reasons for each comments. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

**Drafting Information**

The drafters of this notice are Ensign G.H. Burns, project officer, Marine Port and Environmenal Safety Branch, and Lieutenant Raymond A. Pelletier, project attorney, Ninth Coast Guard District Legal Office.

**Discussion of Proposed Regulations**

The Coast Guard published an Advance Notice of Proposed Rulemaking on April 22, 1983 (48 FR 19183) (the "ANPRM") requesting comments on the need for changes to the present special anchorage areas and anchorage grounds in Chicago and Calument Harbors, IL. This proposed action relates only to the anchorage known as "Anchorage F, Filtration Plant Slip" and two proposed commercial anchorages in Chicago Harbor. Revision of any other anchorage grounds in Chicago Harbor, IL. will be the subject of separate Notices of Proposed Rulemaking.

Two comments were received in response to the ANPRM. One commenter, the Illinois River Carriers Association, opposed any changes to Chicago Harbor anchorages. They particularly opposed the loss of Anchorage F, since it is considered the only assured mooring space of their tows awaiting fair weather or a change of towboats. Traditional practice is to moor along the Main Branch of the

Chicago River. Urban development adjacent to this mooring area will preclude its future use. The other commenter, Navy Pier Marina, Inc. (a not-for-profit-organization), is interested in establishing a large recreational vessel marina next to Anchorage F. The Coast Guard had previously objected to this developer's permit application filed with the U.S. Army Corps of Engineers. The reason for this objection was the incompatibility of the commercial vessel anchorage and the private vessel marina. Their close proximity would create many navigation conflicts between large and small vessels in a very restricted channel. Navy Pier Marina, Inc. requested either relocation or disestablishment of Anchorage F to facilitate development of the marina.

The Captain of the Port Chicago, through individual and joint meeting with both commenters, has identified a mutually agreeable alternative to Anchorage F. The establishment of two new anchorages adjacent to the lakeside approach walls of the Chicago Harbor Lock will result in 112,000 square feet of new anchorage grounds. This is a net reduction of only 8,000 square feet compared to Anchorage F. The new anchorages will be more convenient to normal barge transit routes and will offer flexibility for weather-protected moorings. The area of the new Anchorage D, Chicago Harbor Lock South, has proven satisfactory in recent mooring use by barge tows. The area of the new Anchorage E, Chicago Harbor Lock North, has not experienced commercial vessel use, but was recently sounded adjacent to the guidewall. The minimum depth observed was 25 feet. The potential for barge inflicted damage to the lock's outer guidewalls requires that pile clusters be installed as anchorage buffers. The marina developer has informally agreed to provide these fixtures, and has requested a permit from the U.S. Army Corps of Engineers to do so. Concern for the security of moored vessels in the new anchorages necessitates including a towing vessel operator surveillance requirement. One hour permissible breaks in towing vessel attendance are believed sufficient to effect routine logistics.

"Development of Navy Pier Marina is not a certainty. Marina developer investment in the pile clusters for Anchorages D and E is dependent upon the marina project going forward. The Coast Guard intends to implement a final rule for disestablishing Anchorage F and establishing Anchorages D and E only after an absolute commitment for establishment of the associated protective pile clusters is obtained."

**Economic Assessment and Certification**

These proposed regulations are considered to be nonsignificant in accordance with DOT policies and procedures for simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the proposed action simply relocates an existing anchorage. The new locations will provide a slight transit time advantage to the marine towing industry. The cost of establishing the protective pile clusters for each anchorage will be borne by the commercial marina interests benefiting from this relocation. The marine towing industry's cost of compliance with the continual surveillance requirement will be negligible. Anchorages D and E will be utilized as temporary mooring areas for towing vessels and tows during inclement weather or while awaiting a change of towing vessels. These towing vessels are normally manned while moored and would provide the surveillance required by the rule. This corresponds with current practice and the inclusion of this requirement in the rule will insure a rapid response to breakaways which might damage the adjacent lock structure or passing vessels. Preliminary discussions with industry personnel confirm that the formal surveillance requirement will not impose significant additional costs. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

**List of Subjects in 33 CFR Part 110**

Anchorage grounds.

**Proposed Regulations**

**PART 110—[AMENDED]**

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, by removing § 110.205(a)(6), adding §§ 110.205(a)(4) and (a)(5), and revising § 110.205(b)(7) to read as follows:

**§ 110.205 [Amended]**

(a) * * *

*(4) Anchorage D, Chicago Harbor Lock South.* Beginning at a point 35.5 feet South (16 feet South of the South face of the Southeast guidewall) and 28.0 feet West of the SE Guide Wall Light; thence Westerly and parallel to the guidewall 800 feet to a point that is 16 feet South of the South face of the Southeast guidewall; thence Southerly 80 feet to a point that is 96 feet South of the South face of the Southeast guidewall; thence Northerly 80 feet to the point of beginning.

*(5) Anchorage E, Chicago Harbor Lock North.* Beginning at a point 156.75 feet North (16 feet North of the North face of the Northeast guidewall) and 590 feet West of the SE Guidewall Light; thence Westerly and parallel to the guidewall 600 feet to a point that is 16 feet North of the North face of the Northeast guidewall; thence Northerly 80 Feet to a point that is 96 feet North of the North face of the Northeast guidewall; thence Easterly 600 feet to a point that is North of the North face of the Northeast guidewall; thence Southerly 80 feet to the point of beginning.

* * * * *

(b) * * *

(7) No vessel may use anchorages A, B, D, and E except commercial vessels operated for profit. No person may place floats or buoys for making moorings or anchors in place in anchorages A and B. No person may placed fixed mooring piles or stakes in anchorages A and B. (Mooring facilities are available adjacent to the lakeside guidewalls of the Chicago Harbor Lock in anchorages D and E.) All vessels using anchorages D and E shall moor against pile clusters adjacent to the respective anchorage. Any time barges are moored in Anchorage D or E, a manned towing vessel shall be present in one of these anchorages. Exceptions to this surveillance requirement are allowable for periods not to exceed one hour.

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46; and 33 CFR 1.05–1(g))

Dated: March 18, 1985.

**A.M. Danielsen,**

*Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.*

[FR Doc. 85-9357 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

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**33 CFR Part 117**

**[CGD5-84-07]**

## Drawbridge Operation Regulations; Beaufort Channel, NC

**AGENCY:** Coast Guard, DOT.

**ACTION:** Proposed rule.

**SUMMARY:** At the request of the North Carolina Department of Transportation,

Division of Highways, the Coast Guard is considering amending the regulations that govern the operation of the drawbridge across Beaufort Channel, mile 0.1, at Beaufort, North Carolina. The request is for hourly openings for pleasure craft during the boating season. This proposal is being made in an effort to alleviate highway traffic congestion in the vicinity of the drawbridge. Approval of this request would reduce the number of draw openings and probably still provide for the reasonable needs of navigation.

**DATE:** Comments must be received by June 3, 1985.

**ADDRESS:** Comments should be mailed to Commander (oan), 5th Coast Guard District, 431 Crawford Street, Portsmouth, Virginia, 23705–5000. The comments received will be available for inspection and copying at the above address, Room 609, between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** Wayne J. Creed, Bridge Administrator, Telephone (804) 398–6227.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Fifth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in light of comments received.

### Drafting Information

The drafter of this notice is W.J. Creed, project officer, and Lieutenant Eglee W. Perez-Rodriguez is the project attorney.

### Discussion of Proposed Rule

The North Carolina Division of Highways made the request to open the bridge on the hour from 7 a.m. to 7 p.m. because of highway traffic congestion in the vicinity of the bridge.

A survey of the marine related businessess in the area indicated that the proposed bridge schedule would not be opposed by these entities. In view of this, it is reasonable to assume that approval of the request is in the public interest.

### Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This conclusion is based on the fact that the proposed regulation will have no effect on commercial navigation, or on any industries that depend on waterborne transportation. Since the economic impact of this proposal is expected to be so minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

### List of Subjects in 33 CFR Part 117

Bridges.

### Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by adding § 117.822 to read as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

**§ 117.822 Beaufort Channel.**

From May 1 to October 31, the U.S. 70 drawbridge at Beaufort, North Carolina shall open on the hour from 7 a.m. to 7 p.m. for the passage of pleasure craft. To accommodate approaching pleasure craft, the hourly opening may be delayed up to 10 minutes past the hour. Only pleasure boats are affected by this schedule and the standard rules apply to the operation of this bridge.

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: April 2, 1985.

**James C. Irwin,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 85–9360 Filed 4–17–85; 8:45 am]

**BILLING CODE 4910–14–M**

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## ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Ch. I**

**[OPP–30071B; FRL–2820–5]**

### Child-Resistant Packaging of Pesticides; Hearing

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of meeting.

**SUMMARY:** The Office of Pesticide Programs of the EPA will hold a public hearing under the provisions of section 21(b) and 25(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to obtain additional information on child-resistant packaging (CRP) of pesticide products. The Agency has under consideration two proposed rules concerning CRP, and wishes to obtain additional information that may not have been submitted in response to the proposals that were published in the **Federal Register**.

**DATE:** The hearing will take place on Wednesday, May 15, 1985, beginning at 9 a.m. and ending by 2:30 p.m.

**ADDRESS:** The hearing will be held in: Rm. 1112, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:**

By mail: Jean M. Frane, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and phone number: Rm. 1114, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. (703–557–0592).

**SUPPLEMENTARY INFORMATION:** EPA issued a proposal in the **Federal Register** of January 4, 1984 (49 FR 423), to revise its CRP regulations for pesticide products by addition of a size exemption for certain products in large packages. Subsequently, the Agency issued a comprehensive proposal to revise its registration regulations, including those for CRP, contained in 40 CFR Part 162, which was published in the **Federal Register** of September 26, 1984 (49 FR 37916). The Agency is now considering the written comments received on both proposals and intends to issue a single final rule for CRP, consolidating the two proposals.

The Agency has decided to conduct an informal public hearing to obtain further comment that may be useful to the Agency in concluding its rulemaking proceedings for CRP.

The hearing will be limited to comment on child-resistant packaging of pesticides.

Members of the public and interested persons are invited to participate in the hearing. The hearing will be conducted before a panel convened to assist in Agency deliberations. Persons interested in speaking at the hearing should contact Jean Frane at the address or telephone number listed above no later than May 10, 1985. Comments will be limited to 10 minutes per speaker. If more speakers than time permits request to be heard, speakers may be limited to

less than 10 minutes. If time permits after scheduled speakers, persons not scheduled to speak will be heard. The hearing will be recorded and transcribed, and a copy of the transcription will be placed in the public comment file for each rulemaking. Written comments (other than transcripts of a speaker's remarks) will not be accepted. The hearing will end promptly at 2:30 p.m.

All comments will be considered by the Agency before promulgation of its final rule on CRP.

Dated: April 10, 1985.

**Steven Schatzow,**

*Director, Office of Pesticide Programs.*

[FR Doc. 85-9347 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

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**40 CFR Part 81**

**[A-10-FRL-2819-8]**

## Designation of Areas for Air Quality Planning Purposes; Oregon

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rulemaking would designate Grants Pass, Oregon, as a nonattainment area for carbon monoxide. This proposal is based on measured violations of the ambient air quality standard for carbon monoxide between 1981–1984 in the downtown area. Upon approval, the Department of Environmental Quality, in conjunction with the local and county governments, will develop a carbon monoxide control plan for the area.

**DATE:** Comments must be postmarked on or before May 20, 1985.

Comments should be addressed to:
Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

**ADDRESSES:** Copies of the materials submitted to EPA may be examined during normal business hours at:
Air Programs Branch, (10A-85-7), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101
State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97207

**FOR FURTHER INFORMATION CONTACT:**
Loren C. McPhillips, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-4233, (FTS) 399-4233

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Under the federal Clean Air Act states may designate areas as nonattainment for carbon monoxide (CO) levels if air quality monitoring shows that CO levels do not meet federal standards.

In response to a request by a local citizen's group, the Department of Environmental Quality (DEQ) expanded its air monitoring activities in the Grants Pass area in 1979. Initial studies identified a potential CO air quality problem in 1981; subsequent special studies during 1982–1984 have confirmed that CO concentrations in Grants Pass have exceeded, and are expected to continue to exceed, the state and federal ambient air quality standards.

The CO standard for an 8-hour average is 100 milligrams per cubic meter ($mg/m^3$). From the monitoring data taken from the location at Sixth and G Streets, it was found that between 1981–1983, the annual number of days above the Standard for CO levels ranged from 13 days to 38 days, and the CO levels for the second highest day ranged from 12.9 $mg/m^3$ to 14.9 $mg/m^3$.

The DEQ submitted its request for redesignation along with proposed boundaries for the nonattainment area on December 10, 1984. Based on this SIP revision, DEQ has devised a schedule for development of the CO control strategy and its submittal to EPA. The schedule currently calls for the SIP to be submitted to EPA by May 1986, consistent with the EPA's policy for newly designated nonattainment areas contained in the Guidance Document for Correction of Part D SIP's for Nonattainment Areas, January 27, 1984.

**II. Proposed Action**

In accordance with DEQ's request, EPA is proposing today to approve the State's designation of the following area in the Grants Pass central business district as a nonattainment area: beginning at the intersection of B Street and Fifth Street, extending easterly along B Street to Eighth Street; thence southerly along Eighth Street to the Rogue River; thence westerly along the river to Fifth Street; thence northerly along Fifth Street to the starting point.

Interested parties are invited to comment on all aspects of this proposed approval of the Oregon SIP revision. Comments should be submitted in triplicate, to the address listed in the front of this Notice. Public comments postmarked by May 20, 1985 will be considered in any final action EPA takes on this proposal.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

**List of Subjects in 40 CFR Part 81**

Air pollution control, National parks, Wilderness areas.

Dated: March 12 1985.

**L. Edwin Coate,**

*Acting Regional Administrator.*

[FR Doc. 85-9343 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

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## GENERAL SERVICES ADMINISTRATION

**48 CFR Parts 515 and 522**

**[GSAR Notice No. 5-88]**

## Application of Thresholds to Contracts With Options

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) Chapter 5, which will provide clarification on determining the contract value when applying the thresholds for cost and pricing data, field pricing support, and equal employment opportunity preaward clearances to contracts with options. Sections 515.804-2, 515.805-5, and 522.805 would be revised to provide that when determining the contract amount for purposes of applying the thresholds at FAR 15.804-2, 15.801-5 and 22.805(a), the value of the contract plus any priced options shall be considered. The intended effect is to improve the regulatory coverage and provide for uniform application of the referenced FAR provisions by GSA contracting activities.

**DATE:** Comments are due in writing not later than May 20, 1985.

**ADDRESS:** Requests for a copy of the proposal and comments should be addressed to Ms. Ida M. Ustad, Office of GSA Acquisition Policy and Regulations, 18th and F Sts., NW., Room 4027, Washington, D.C. 20405.

**FOR FURTHER INFORMATION CONTACT:**
Ms. Shirley Scott, Office of GSA Acquisition Policy and Regulations, (202) 523-2782.

**SUPPLEMENTARY INFORMATION:**

**Impact**

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempt certain agency procurement regulations from Executive Order 12291. The exemption applies to this proposed rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The proposed regulation only clarifies the application of an existing requirement of the Federal Acquisition Regulation. Accordingly, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

**List of Subjects in 48 CFR Ch. 5**

Government procurement.

(40 U.S.C. 486(c))

Dated: April 10, 1985.

**Ida M. Ustad,**

*Acting Director for Acquisition Policy and Regulations.*

[FR Doc. 85-9336 Filed 4-17-85; 8:45 am]

BILLING CODE 6820-61-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 611

**[Docket No. 31222-248]**

### Foreign Fishing

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of hake preliminary reassessment.

**SUMMARY:** NOAA issues this notice to reassess the domestic annual processing (DAP) amount found in the foreign fishing rule for the Hake Fishery of the Northwest Atlantic Preliminary Fishery Management Plan (PMP), and requests comments for 15 days. The DAP has been reassessed, and a joint venture processing (JVP) amount is specified for red hake in the NW Atlantic 1–4 (Southern New England) area. The intended effect of this action is to allow NMFS to process joint venture applications in 1985.

**DATE:** Comments must be submitted on or before May 3, 1985.

**ADDRESSES:** Send comments to Peter Colosi, National Marine Fisheries Services, Northeast Regional Office, 14 Elm Street, Gloucester, Massachusetts 01930. Mark the outside of the envelope "Comments on Hake Specifications".

**FOR FURTHER INFORMATION PLEASE CONTACT:** Peter Colosi, 617–281–3600, ext. 272.

**SUPPLEMENTARY INFORMATION:** Foreign fishing regulations that govern the Atlantic hakes PMP contain procedures at § 611.51(b) to reassess DAP. If a joint venture fishing application is received for an amount of hake which exceeds the JVP specified in the annual fishing year initial specifications, the Secretary will reassess DAP to determine whether additional JVP can be made available. In making the reassessment, the Secretary will consult with the appropriate fishery management councils, and consider those factors listed at § 611.51(b)(ii) to assess the current and projected U.S. harvesting and processing performance. The preliminary reasssessment will be published in the **Federal Register** and a public comment period of 15 days will be provided.

The Secretary has received a joint venture request for 6,000 metric tons (mt) of Southern New England red hake. The request exceeds the current specified JVP specification of zero (o) mt. Therefore, the Secretary has conducted a reassessment of DAP as discussed above.

The PMP specifies a 13,000 mt DAH and DAP for Southern New England red hake. However, the actual red hake catch from this are has been at low levels in recent years, avaraging only 1,300 mt during 1981–1984. This level of performance is a reasonable reflection of the past and present DAP. This implies that a substantial amount of DAP for red hake may be made available for red hake JVP.

The Secretary expects that the 1981–1984 trend will continue in 1985. Catches from traditional hake harvesters are expected to be comparable to last year's level of 1,300 mt. In addition, four new domestic catcher/processor vessels in operation this year have indicated no directed effort toward red hake, although very small amounts of by-catch may occur.

Given the current and projected situation, the Secretary therefore respecifies the Northwest Atlantic 1–4 area DAP to 7,000 mt. This allows 6,000 mt of red hake for JVP, as indicated in the table below. There is no increase in the estimated domestic annual harvest.

PRELIMINARY REASSESSMENT OF RED HAKE IN THE NW ATLANTIC 1–4 AREA FOR THE 1985 ANNUAL FISHING YEAR

| Specification [1] | Initial amount (mt) | Reassessed amount (mt) |
|---|---|---|
| OY or TAC | 16,000 | |
| DAH | 13,000 | |
| DAP | 13,000 | 7,000 |
| JVP | 0 | 6,000 |
| Reserve | 0 | |
| TALFF | 2,500 | |

[1] Optimum yield or total allowable catch (OY or TAC), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), total allowable levels of foreign fishing (TALFF).

**List of Subjects in 50 CFR Part 611**

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

**Authority:** 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

Dated: April 16, 1985.

**William G. Gordon,**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 85-9552 Filed 4-16-85; 4:53 pm]

BILLING CODE 3510-10-M

# Notices

Federal Register
Vol. 50, No. 75
Thursday, April 18, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## AFRICAN DEVELOPMENT FOUNDATION

### Advisory Council Meeting

Time: 2:00
Place: AFRICAN DEVELOPMENT FOUNDATION, 1724 Massachusetts Ave., NW., Suite 200, Washington, DC.
Date: Friday, June 14, 1985
Status: OPEN
Contact person for more information: Ms. Marjorie S. Cook (634–9853)
ADF Agency Number 11010006
ADF BOAC Number 953901

**Leonard H. Robinson, Jr.,**
*President.*

[FR Doc. 85–9325 Filed 4–17–85; 8:45 am]
BILLING CODE 6116–01–M

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### Mississippi Forest Resource Development Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of determination.

**SUMMARY:** The Secretary of Agriculture has determined that payments made to landowners under the Mississippi Forest Resource Development Program are made primarily for purposes of improving forests. This determination, which is made in accordance with section 126 of the Internal Revenue Code of 1954, as amended, and the provisions of 7 CFR Part 14, permits recipients of these payments to exclude some or all of them from gross income for Federal income tax purposes of certain other conditions are met.

**FOR FURTHER INFORMATION CONTACT:** Frederick A. Dorrell, Director, Cooperative Forestry, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (703) 235–2212.

**SUPPLEMENTARY INFORMATION:** Section 126 of the Internal Revenue Code of 1954, as added by the Revenue Act of 1978 and amended by the Technical Corrections Act of 1979, provides that certain payments made under State programs may be eligible for exclusion from gross income if certain determinations are made. The Secretary of Agriculture must determine whether payments made under a State program, as described in section 126(a)(10), are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." In making this determination, the Secretary of Agriculture must evaluate each program according to criteria set forth in 7 CFR Part 14.

One such program, the Forest Resource Development Program, is carried out by the State of Mississippi under the Forest Resource Development Act of 1974 (Miss. Code 1972 §§ 49–19–201 to 227). The program provides technical and financial assistance to nonindustrial private forest landowners to ensure that Mississippi continues to develop its forest economy. The program is administered by the State Forestry Commission through the State Forester. An eligible entity is a private individual, group, association or corporation which owns lands suitable for forestry purposes. Private corporations which manufacture products or provide public utility services are not eligible for assistance. Agencies of the State and any political subdivisions thereof which own land also qualify for assistance.

Cost-share payments are made to landowners for the satisfactory installation of approved practices for establishing and improving a stand of trees for timber and game management purposes. Approved practices are tree planting, seeding, timber stand improvement, prescribed burning, site preparation, and systematic planting of hardwood trees for wildlife.

The authorizing legislation, regulations, and operating procedures for the Forest Resource Development Program of the State of Mississippi have been carefully examined using the criteria set forth in 7 CFR Part 14. The Department has concluded that the payments made under this forestry cost-share program are made to provide financial assistance to agricultural landowners in carrying out forest improvement practices. A "Record of Decision, Mississippi Forest Resource Development Program: Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from Cooperative Forestry, Forest Service. Requests may be sent to the address listed above.

#### Determination

It is hereby determined in accordance with section 126(b)(1) of the Internal Revenue Code of 1954, as amended, and 7 CFR Part 14 that all cost-share payments made after September 30, 1979, for forestry conservation practices under the Mississippi Forest Resource Development Program as authorized by the Forest Resource Development Act of 1974 are made primarily for the purpose of improving forests.

Signed at Washington, DC, on April 2, 1985.

**John R. Block,**
*Secretary of Agriculture.*

[FR Doc. 85–9294 Filed 4–17–85; 8:45 am]
BILLING CODE 3410–01–M

### California Forest Improvement Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954, as Amended

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of determination.

**SUMMARY:** The Secretary of Agriculture has determined that payments made to landowners under the California Forest Improvement Program (CFIP) after September 30, 1979, are made primarily for the purpose of improving forests. This determination, which is made in accordance with section 126 of the Internal Revenue Code of 1954, as amended, and the provisions of 7 CFR Part 14, permits recipients of these payments to exclude some or all of them from gross income for Federal income tax purposes if certain other conditions are met.

**FOR FURTHER INFORMATION CONTACT:** Frederick A. Dorrell, Director, Cooperative Forestry, Forest Service,

USDA, P.O. Box 2417, Washington, DC 20013, (703) 235–2212.

**SUPPLEMENTARY INFORMATION:** Section 126 of the Internal Revenue Code of 1954, as added by the Revenue Act of 1978 and amended by the Technical Corrections Act of 1979, provides that certain payments made under State programs may be eligible for exclusion from gross income if certain determinations are made. The Secretary of Agriculture must determine whether payments made under a State program, as described in section 126(a)(10), are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." In making this determination, the Secretary of Agriculture must evaluate each program according to criteria set forth in 7 CFR Part 14.

One such program carried out by the State of California is the California Forest Improvement Program which is authorized by the California Forest Improvement Act of 1978 (Cal. Pub. Res. Code sections 4790 *et seq.*(West)). The program provides technical and financial assistance to private landowners to encourage them to upgrade the management of their forest land resources to ensure adequate future high quality timber supplies. The Director of the California Department of Forestry administers the program subject to the review of program regulations and guidelines by the State Board of Forestry.

Any private individual, group, association, or cooporation owning not more than 5,000 acres of forest land in the State is eligible for cost-share assistance under the CFIP. Land located in a Timberland Preserve Zone (TPZ) automatically qualifies for CFIP. TPZ in the State of California was authorized by the Forest Taxation Reform Act of 1976 aimed at retaining prime commercial forest land in timber production. On these lands, the growing and harvesting of timber is recognized as the highest and best use. The owner of land not zoned TPZ must agree with the State of California to maintain the forest resource improvements applied under CFIP a minimum of 10 years. This obligation shall be binding upon the new owner if there is a change in the ownership of the land. Work required on recently harvested lands subject to the 'Z' berg-Nejedly Forest Practice Act of 1973 is not eligible under the CFIP. The 'Z'berg-Nejedly Act established minimum stocking standards which must be attained by the landowner within five years after harvest on private lands logged subsequent to 1974. Since this statute already requires the landowner to satisfactorily restock lands on which harvesting has occurred, assistance under the CFIP is not applied on these lands following a harvest cut.

Cost-share payments are made to eligible landowners and other entities for satisfactory installation of approved forest resource improvement practices. These practices are categorized as follows: (1) Development of long-term forest management plans, (2) site preparation, (3) planting, (4) stand improvement, (5) forest land conservation measures, (6) fish and wildlife habitat improvement, and (7) needed followup work on these practices.

The authorizing legislation, regulations, and operating procedures for the CFIP have been carefully examined by agencies of the United States Department of Agriculture using the criteria set forth in 7 CFR Part 14. The Department has concluded that the cost-share payments made under this forestry cost-share program are made to provide financial assistance to agricultural landowners in carrying out practices which will improve forests. A "Record of Decision, California Forest Improvement Act of 1978 Program: Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from Cooperative Forestry, Forest Service. Requests may be sent to the address listed above.

**Determination**

Therefore, it has been determined in accordance with section 126(b)(1) of the Internal Revenue Code of 1954, as amended, and 7 CFR Part 14 that all cost-share payments made to individuals after September 30, 1979, for conservation practices under the California Forest Improvement Program are made primarily for the purpose of improving forests.

Signed at Washington, DC, on April 2, 1985.
Dated:

**John R. Block,**

*Secretary of Agriculture.*

[FR Doc. 85–9288 Filed 4–17–85; 8:45 am]

BILLING CODE 3410-01-M

## Agricultural Stabilization and Conservation Service

## Determinations of a National Wheat Marketing Quota and Acreage Allotment for the 1986/87 Marketing Year and the Conducting of a Producer Referendum

**AGENCY:** Agricultural Stabilization and Conservation Service, USDA.

**ACTION:** Notice of determinations of a national wheat marketing quota and acreage allotment for the 1986/87 marketing year and the conducting of a producer Referendum.

**SUMMARY:** The purpose of this notice is to proclaim that a national wheat marketing quota of 1955 million bushels and a national acreage allotment of 54.0 million acres shall be in effect for the 1986/87 (1986-crop) marketing year. Also, a referendum of farmers to determine whether they favor or oppose marketing quotas will be conducted by August 1, 1985. These determinations are made in accordance with sections 301(b)(8)(B), 301(b)(10)(A), 301(b)(16)(A), 332 (a) and (b), 333 and 336 of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "1938 Act").

**EFFECTIVE DATE:** April 15, 1985.

**ADDRESS:** Everett Rank, Administrator, Agricultural Stabilization and Conservation Service (ASCS), USDA, Room 3086 South Building, P.O. Box 2415, Washington, D.C. 20013.

**FOR FURTHER INFORMATION CONTACT:** Bruce R. Weber, Agricultural Marketing Specialist, Commodity Analysis Division, USDA-ASCS, Room 3738 South Building, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447–4146. The Final Regulatory Impact Analysis describing the information considered in developing this notice of determination is available on request from the above-named individual.

**SUPPLEMENTARY INFORMATION:** This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been designated as "not major". It was designated "not major" because it will not result in: (1) An Annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local Government agencies, or geographic regions; or (3) significant adverse impacts on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign based enterprises in doemstic or export markets.

The title and number of the federal assistance program to which this notice applies are: Title-Wheat Production Stabilization; Number 10.058 as found in the catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the

Agricultural Stabilization and Conservation Service is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

It has been determined by an environmental evaluation that this action will have no signficant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed. This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

This notice sets forth determinations with respect to the following issues which are briefly described.

1. *Projected National Yield:* Section 301(b)(8)(B) of the 1938 Act provides that the projected national yield as applied to any crop of wheat shall be determined on the basis of the national yield per harvested acre of the commodity during each of the five years immediately preceding the year in which such projected national yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

2. *Normal Supply.* Section 301(b)(10)(A) of the 1938 Act provides that the normal supply of wheat for any marketing year shall be (i) the estimated domestic consumption of the commodity for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus (ii) the estimated exports of the commodity for the marketing year for which normal supply is being determined, plus (iii) an allowance for carryover. The allowance for wheat carryover shall be 20 percent of the sum of the consumption and exports used in computing normal supply.

3. *Total Supply.* Section 301(b)(10)(A) of the 1938 Act provides that the total supply of wheat for any marketing year shall be the carryover of wheat for that marketing year, plus the estimated production of wheat in the United States during the calendar year in which the marketing year begins and the estimated imports of wheat into the United States during that marketing year.

4. *Proclamation of Supplies and Marketing Quotas.* Section 332(a) of the 1938 Act provides that whenever prior to April 15 in any calendar year the Secretary determines that the total supply of wheat in the marketing year beginning in the next succeeding calendar year will, in the absence of a marketing quota program, likely be excessive, the Secretary shall proclaim that a national marketing quota for wheat shall be in effect for that marketing year and for either the following marketing year or the following two marketing years, if the Secretary determines and declares in such proclamation that a two- and three-year marketing quota program is necessary to effectuate the policy of the 1938 Act.

Section 332(b) provides that if a national marketing quota for wheat has been proclaimed for any marketing year, the Secretary shall determine and proclaim the amount of the national marketing quota for such marketing year not earlier than January 1 or later than April 15 of the calendar year preceding the year in which such marketing year begins. The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or products thereof, and (iv) will be utilized during such marketing year in the United States as livestock (including poultry) feed, less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the 1938 Act. However, if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover. Notwithstanding the foregoing, the national marketing quota for wheat for any marketing year shall be not less than one billion bushels.

Section 332(c) provides that if, after the proclamation of a national marketing quota for wheat for any marketing year, the Secretary has reason to believe that, because of a national emergency or because of material increase in the demand for wheat, the national marketing quota should be terminated or the amount thereof increased, the Secretary shall cause an immediate investigation to be made to determine whether such action is necessary in order to meet such emergency or increase in the demand for wheat. If, on the basis of such investigation, the Secretary finds that such action is necessary, the Secretary shall immediately proclaim such finding and the amount of any such increase found to be necessary and thereupon such national marketing quota shall be so increased or terminated. In case any national marketing quota is increased under section 332(c), the Secretary shall provide for such increase by increasing acreage allotments established under the provisions of the 1938 Act by a uniform percentage.

5. *Proclamation of National Acreage Allotment.* Section 333 of the 1938 Act provides that the Secretary shall proclaim a national acreage allotment for each crop of wheat. The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the projected national yield and expected underplantings (i.e., acreage other than that which is not harvested because of program incentives) of farm acreage allotments will produce an amount of wheat equal to the national marketing quota for wheat for the marketing year for such crop, or, if a national marketing quota was not proclaimed, the quota which would have been determined if one had been proclaimed.

6. *Commercial Area.* Section 334a of the 1938 Act provides that if the acreage allotment for any State for any crop of wheat is twenty-five thousand acres or less, the Secretary, in order to promote efficient administration of the 1938 Act and the Agricultural Act of 1949, may designate that State as outside the commercial wheat-producing area for the marketing year for such crop. If that State is so designated, acreage allotments for such crop and marketing quotas for the marketing year shall not be applicable to any farm in that State. Acreage allotments in any State shall not be increased by reason of such designation.

7. *Referendum.* Section 336 of the 1938 Act provides that if a national marketing quota for wheat for one, two or three marketing years is proclaimed, the Secretary shall, not later than August 1 of the calendar year in which such national marketing quota is proclaimed, conduct a referendum, by secret ballot, of farmers to determine whether they favor or oppose marketing quotas for the

marketing year or years for which proclaimed. Any producer who has a farm acreage allotment shall be eligible to vote in any referendum held in accordance with the provisions of section 336. The Secretary shall proclaim the results of any referendum which is held within thirty days after the date of the referendum. If the Secretary determines that more than one-third of the farmers voting in the referendum voted against marketing quotas, the Secretary shall proclaim that marketing quotas will not be in effect with respect to the crop of wheat produced for harvest in the calendar year following the calendar year in which the referendum is held. If the Secretary determines that two-thirds or more of the farmers voting in a referendum approve marketing quotas for a period of two or three marketing years, no referendum shall be held for the subsequent year or years of such period.

Section 332 of the 1938 Act requires the Secretary to proclaim whether or not marketing quotas will be in effect for the 1986/87 (1986-crop) wheat marketing year by April 15, 1985. Other required determinations relating to the proclamation of marketing quotas are also being made. In accordance with the above described provisions, the Secretary has made the following determinations with respect to the 1986/87 wheat marketing year.

**Determinations**

1. *Determination of Total and Normal Supply.* In accordance with Sections 301(b)(8)(B) and 301(b)(16)(A) of the 1938 Act, it is hereby determined that total wheat supplies for the 1986/87 marketing year (MY) will exceed normal supplies for such year and, therefore, supplies of wheat will be excessive in the absence of a marketing quota. This determination is based on the following:

| Item | Million bushels |
|---|---|
| A. *Total Supply:* | |
| (1) Carryover, June 1, 1986 | 1,691 |
| (2) Estimated production (1986 crop) | 2,770 |
| (3) Estimated imports (1986/87 MY) | 5 |
| (4) Total Supply | 4,466 |
| B. *Normal Supply:* | |
| (1) (Estimated domestic consumption (1985/86 MY): | |
| a. Food | 650 |
| b. Feed | 300 |
| c. Seed | 105 |
| (2) Estimated exports (1986/87 MY) | 1,250 |
| (3) Allowance for carryover (equal to 20 percent of item 1 plus 2) | 461 |
| (4) Total normal supply | 2,766 |
| C. Estimated excess supply (Item A(4) minus B(4)) | 1,700 |

2. *Proclamation of National Marketing Quota.* In accordance with section 332 of the 1938 Act, it is hereby determined that the amount of the national marketing quota for the 1986/87 wheat marketing year shall be 1955 million bushels. It is further determined that a two- or three-year marketing quota program is not necessary to effectuate the policy of the 1938 Act. The quota proclamation is based upon the following:

| Item | Million bushels |
|---|---|
| A. Estimated utilization for 1986/87 MY: | |
| (1) Domestic human consumption | 660 |
| (2) Seed | 100 |
| (3) Feed | 250 |
| (4) Exports | 1,250 |
| (5) Total utilization | 2,260 |
| B. Less estimated imports | 5 |
| C. Decrease in excessive CCC stocks [1] | 300 |
| D. Increase in total stocks to assure an adequate carryover [2] | 0 |
| E. National marketing quota | 1,955 |

[1] CCC carryover stocks on June 1, 1986 are estimated at about 800 million bushels. The Food Security Wheat Reserve accounts for 147 million bushels. The remaining 653 million bushels would be available for disaster reserve and food aid commitments as needed. An adequate CCC stock level, including the Food Security Reserve, is considered to be about 500 million bushels. Therefore, 300 million bushels is determined to be a desirable reduction in CCC stocks to achieve the policy of the 1938 Act.

[2] Carryover stocks on June 1, 1986 are estimated to be about 1,690 million bushels, a level considered excessive. Therefore, no increase in total stocks is necessary to assure an adequate carryover.

3. *Determination of Projected National Yield.* In accordance with section 301(b)(8)(B) of the 1938 Act, it is hereby determined that the projected national yield for the 1986 crop of wheat shall be 37.3 bushels per acre. This determination is based upon the following:

| Item | Bushels/acre |
|---|---|
| A. Average harvested yield-Corp years 1980–84 | 36.3 |
| B. Abnormal weather adjustment [1] | 0.0 |
| C. Trend adjustment [2] | +1.0 |
| D. Adjustment for changes in production practices | 0.0 |
| E. Projected National Yield | 37.3 |

[1] Weather adjustment consideration: 1980–84 average yield times .8 and 1.25. If any annual yield is below the .8 computation or above the 1.25 computation, the computed yield is substituted. Based on this formula, no adjustments were necessary.

[2] Based upon a 10-year (1975–84) simple time series regression analysis.

4. *Proclamation of National Acreage Allotment.* In accordance with section 333 of the 1938 Act, it is hereby determined that the national acreage allotment for the 1986-crop of wheat shall be 54.0 million acres. This determination is based upon the following:

| Item | Amount |
|---|---|
| A. National marketing quota (million bushels) | 1955 |
| B. Divided by projected national average yield (bu/ac) | 37.3 |
| C. Preliminary national acreage allotment (mil. ac.) | 52.4 |
| D. Plus expected underplantings (mil. ac.) [1] | 1.6 |
| E. Proclaimed national acreage allotment (mil. ac.) | 54.0 |

[1] Based on a comparison of 1984 harvested acreage plus conservation use acreage for each State to the preliminary apportionment of the State acreage allotment.

5. *Determination of Commercial Area.* In accordance with section 334a of the 1938 Act, it is hereby determined that all States will be considered as commercial wheat-producing areas for the 1986/87 marketing years.

6. *Referendum.* In accordance with section 336 of the 1938 Act, it is hereby determined that a referendum will be conducted before August 1, 1985 of farmers to determine whether they favor or oppose marketing quotas for 1986/87 marketing years.

The type of referendum (polling place or mail ballot) and other detailed program provisions will be announced later. A notice of proposed determinations seeking public comments on these various program determinations will be published at a later date.

**Authority:** Sec. 301(b), 332, 333, 334a and 336, 52 Stat. 38, as amended, 53, as amended, 76 Stat. 620, 52 Stat. 55, as amended (7 U.S.C. 1301(b), 1332, 1333, 1334b and 1336).

Signed at Washington, D.C. on April 15, 1985.

**John R. Block,**

*Secretary.*

[FR Doc. 85–9390 Filed 4–17–85; 8:45 am]

BILLING CODE 3410–05–M

## Soil Conservation Service

### Supplement to Bayou Plaquemine Brule Watershed, Louisiana

**AGENCY:** Soil Conservation Service, Department of Agriculture.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Supplement to Bayou Plaquemine Brule Watershed, Acadia and St. Landry Parishes, Louisiana.

**FOR FURTHER INFORMATION CONTACT:** Harry S. Rucker, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71302, telephone (318) 473–7751.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates tha the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Harry S. Rucker, State Conservationist, has determined that the

preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for flood prevention and drainage for cropland. The planned works of improvement include 49.5 miles of project channel with appurtenant structures and associated land treatment.

**Supplement to Bayou Plaquemine Brule Watershed, Louisiana Notice of a Finding of No Significant Impact**

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Harry S. Rucker.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: April 11, 1985.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Harry S. Rucker,

*State Conservationist.*

[FR Doc. 85-9326 Filed 4-17-85; 8:45 am]

BILLING CODE 3410-16-M

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 300]

### Resolution and Order Approving the Application of the County of Onondaga, New York, for a Special-Purpose Subzone in Cortland County, New York, Adjacent to the Syracuse Customs Port of Entry

Resolution And Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the County of Onondaga, New York, grantee of Foreign-Trade Zone 90, filed with the Foreign-Trade Zone Board (the Board) on February 1, 1985, requesting special-purpose subzone status for the typewriter manufacturing plant of SCM Corporation's Smith-Corona operation, located in Cortland County, New York, adjacent to the Syracuse Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Office of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

**Grant of Authority To Establish a Foreign-Trade Subzone in Cortland County, New York**

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the County of Onondaga, New York, grantee of Foreign-Trade Zone No. 90, has made application (filed February 1, 1985, Docket No. 3-85, 50 FR 5653) in due and proper form to the Board for authority to establish a special-purpose subzone at the typewriter manufacturing plant of SMC Corporations's Smith-Corona operation is Cortland County, New York, adjacent to the Syracuse Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now therefore, in accordance with the application filed February 1, 1985, the Board hereby authorizes the establishment of a subzone at SMC Corporation's Smith-Corona typewriter plant in Cortland County, designated on the records of the Board as Foreign-Trade Subzone No. 90A at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 4th day of April 1985, pursuant to Order of the Board.

Foreign-Trade Zones Board.

**William T. Archey,**

*Acting Assistant Secretary of Commerce for Trade Administration Chairman, Committee of Alternates.*

[FR Doc. 85-9319 Filed 4-17-85; 8:45 am]

BILLING CODE 3510-05-M

## International Trade Administration

### Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Harvard University et al.

*Correction*

In FR Doc 85-6768 appearing on page 14276 in the issue of Thursday, April 11, 1985, made the following correction: In the second column, in the fifth complete paragraph, in the first line, "Docket No. 83-026" should read "Docket No. 84-026".

BILLING CODE 1505-01-M

[A-588-401]

## Antidumping Duty Order; Calcium Hypochlorite From Japan

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that calcium hypochlorite from Japan is being sold at less than fair value and that sales of this product are materially injuring a United States industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of this product made on or after October 9, 1984, the date on which the Department published its preliminary determination of sales at less than fair value in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

**SUPPLEMENTARY INFORMATION:** The merchandise covered by this investigation is calcium hypochlorite, currently provided for in item 418.2200 of the *Tariff Schedules of the United States (Annotated)*.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on October 9, 1984, the Department published its preliminary determination that there was reason to believe or suspect that calcium hypochlorite from Japan was being sold at less than fair value. On February 27, 1985, the Department published its final determination that these imports were being sold at less than fair value.

On April 8, 1985, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that imports of calcium hypochlorite are materially injuring a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of calcium hypochlorite from Japan.

These antidumping duties will be assessed on all unliquidated entries of such merchandise entered, or withdrawn from warehouse, for consumption on or after October 9, 1984, the date on which the Department published its "Preliminary Determination of Sales At Less Than Fair Value" Notice in the **Federal Register**.

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated customs duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

| Manufacturers, producers and exporters | Identification No. | Weighted average margin (percent) |
|---|---|---|
| Nissan Denka Co., Ltd. | A-588-401-001 | 0.9 |
| Nippon Soda Co., Ltd. | A-588-401-002 | 20.01 |
| All other manufacturers, producers and exporters | A-588-401-003 | 12.29 |

This determination constitutes an antidumping order with respect to calcium hypochlorite from Japan pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex 1 of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

**Alan F. Holmer,**

*Deputy Assistant Secretary for Import Administration.*

April 13, 1985.

[FR Doc. 85-9392 Filed 4-17-85; 8:45 am]

BILLING CODE 3510-DS-M

## National Bureau of Standards

[Docket No. 40454-5010]

## Approval of Federal Information Processing Standard 111, Storage Module Interfaces (With Extensions of Enhanced Storage Module Interfaces)

**AGENCY:** National Bureau of Standards, Commerce.

**ACTION:** The purpose of this notice is to announce that the Secretary of Commerce (Secretary) has approved a new standards, which will be published as FIPS Publication 111.

**SUMMARY:** The Storage Module Drive (SMD) interface is a widely used device level interface between magnetic disk drives and their controllers. This new standard adopts American National Standard X3.91M-1982, Enhanced Storage Module Interfaces.

The document which was presented to the Secretary, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

This standard may be used as an alternative to FIPS 60-2, I/O Channel Interface, plus either FIPS 63-1, Operational Specifications for Variable Block Rotating Mass Storage Subsystems, or FIPS 97, Operational Specifications for Fixed Block Rotating Mass Storage Subsystems, when these standards would otherwise be required. When FIPS 111 is employed, FIPS 60-2 need not be used. Although the I/O channel is a computer to controller interface, and the SMD is a controller to device interface, the use of either one facilitates two important Federal needs: (1) Competitive procurement of generic disk drives or subsystems available from multiple vendors, and (2) enhancement of reutilization opportunities for surplus equipment (computers which use either the I/O Channel interface or the Storage Module Drive interface are widespread in the Federal inventory).

Although SMD disks are used in some large mainframe or superminicomputer systems where FIPS 60-2 applies, their primary use is in minicomputer systems where FIPS 60 does not apply. Consideration for Federal use of FIPS 111 is recommended with all minicomputer systems, since significant savings can frequently be achieved through the use of generic, multiple sourced drives.

The approved standard contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specifications portion which deals with the technical requirements of the standard. Only the announcement portion of the standard is provided in this notice.

In general, rigorous verification of all SMD products offered to the Government will be neither necessary

nor practical. However, procuring agencies may elect to require that correct operation of all interfaces conforming to FIPS 111 be verified through demonstration or other means acceptable to the Government prior to acceptance of all applicable equipment. In special cases, NBS may assist agencies to evaluate conformance to the SMD interface.

**ADDRESS:** Interested parties may purchase copies of this standard, including the technical specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this set out in the Where to Obtain Copies Section of the announcement portion of the standard.

**FOR FURTHER INFORMATION CONTACT:** Mr. William E. Burr, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, MD 20899, (301) 921–3723.

Dated: April 12, 1985.

Ernest Ambler,

*Director.*

**Federal Information Processing Standards Publication 111**

(Date)

*Announcing the Standard for Storage Module Interfaces*

(With Extensions for Enhanced Storage Module Interfaces)

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

*Name of Standard.* Storage Module Interfaces (with extensions for enhanced storage module interfaces) (FIPS PUB 111).

*Category of Standard.* Hardware Standard, Interface.

*Explanation:* The Storage Module Drive (SMD) interface is an interface between a disk device and its controller which is widely used in disk subsystems that are employed with small to medium sized computer systems. (By contrast, the FIPS 60 type interface employed in large systems defines the interconnection between a peripheral controller and the I/O channel of a central processing unit.) These smaller sized computer systems are generally excluded from the provisions of FIPS 60, 61, 63, and 97. An American National Standard (ANS) for the SMD interface, entitled Storage Module Interfaces, has been approved by the American National Standards Institute as X3.91M–1982. Since the approval of this standard, a number of new SMD magnetic disk products have been introduced which use recording rates and storage densities much higher than were available when the standard was developed. Since the SMD interface is a device level interface, these newer storage products, with greatly improved capacities and performance, cannot conform to all the provisions of X3.91M–1982. However, with the extensions and modifications specified in the FIPS, higher performance products as well as the older SMD products which do conform to X3.91M–1982, may be competitively procured. These newer products, often referred to as Enhanced SMD disk drives, have recording rates of between 15 and 24 Mbits/s. While SMD drives have been traditionally used with minicomputers, many of the newer high performance drives are suitable for use with larger main frame computer systems. A very large and competitive marketplace exists for SMD and enhanced SMD drives and controllers with numerous suppliers. Federal users may therefore wish to employ SMD or Enhanced SMD type drives in main frame computer applications where FIPS 60 type interfaces have previously been required, and may, in some cases, realize significant savings by doing so. In other cases, where FIPS 60 has not been required, significant savings may still be realized.

The Government's intent in employing this standard prescribing the Storage Module Interfaces Standard is to reduce the cost of satisfying its data processing requirements through increasing its available alternative sources of supply for computer systems components at the time of initial system acquisition, as well as in system replacement and augmentation and in system component replacement. This standard is also expected to lead to improved reutilization of system components. When acquiring ADP systems and system components, Federal agencies may cite this standard as an alternative to specifying FIPS 60. Consideration should also be given to specifying this standard as the interface to be employed for connecting storage module devices as a part of the ADP systems, where FIPS 60 does not apply.

*Approving Authority.* Secretary of Commerce.

*Maintenance Agency.* Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

*Cross Index.* American National Standard X3.91M–1982, Enhanced Storage Module Interfaces.

*Applicability.* This standard addresses connection of a disk drive to controller as part of an ADP system. For acquisition of magnetic disk drives or magnetic disk subsystems, this standard may be cited as an alternative to specifying the FIPS 60 channel level interface and FIPS 61, plus either FIPS 63 or FIPS 97 for those instances when FIPS 60 would otherwise be applicable. If FIPS 60 does not apply, consideration of this standard is recommended.

A procuring agency may require vendors to verify that the interface on their products conforms to this standard. In special cases, NBS may assist agencies in evaluating conformance to the SMD interface.

*Specifications.* Affixed. The standard shall be specified by ANSI X3.91M–1982, sections 1 through 5. Section 6, Interface Extensions, of ANSI X3.91M–1982 shall not be considered a part of this standard.

In addition, to permit the use of new higher performance and capacity "enhanced" drives than were contemplated in X3.91M–1982, the following extensions and modifications to X3.91M–1982 shall apply:

(a) Many new products exceed the maximum cylinder address space of 1024 cylinders. Such products may utilize either of two modes of extending addressing:

(1) While TAG is asserted, BUS 7 shall signify $2^{10}$ cylinders, BUS 8 shall signify $2^{11}$ cylinders and BUS 9 shall signify $2^{12}$ cylinders, or

(2) TAG 4 shall signify $2^{10}$ cylinders, while TAG 1 is asserted.

(b) Drives which exceed a transfer rate of 10 Mbits/s need not observe the minimum setup and hold times specified in Figures 20 and 21, titled READ CLOCK and READ DATA, and WRITE CLOCK and WRITE DATA respectively, since these minimums are fundamentally inconsistent with higher transfer rates.

(c) To allow for higher performance drives, the minimum timing requirements of 5.8.3 HEAD SET to READ GATE, 5.8.4 WRITE GATE to READ GATE, 5.10.3 HEAD SET to READ ADDRESS MARK and 5.10.4 WRITE GATE to READ ADDRESS MARK need not be observed.

(d) To allow for higher performance drives, the 500 ns minimum timing requirements of 5.9.4 READ GATE to WRITE GATE need not be observed.

(e) A number of new products provide diagnostic status information which is not contemplated in X3.91M–1982.

Drives may employ UNIT READY, ON CYLINDER, SEEK ERROR, FAULT, WRITE PROTECT, ADDRESS MARK, SECTOR MARK, all sourced by the drive, for additional status reporting when SELECT, and various other signals are asserted by the controller.

Note that these changes do not restrict the use of older, "unenhanced" SMD drives. A revision of ANS X3.91M is in progress. When it is published, it is anticipated that this Federal Information Processing Standard will be revised to adopt the revised ANS.

*Implementation.* The provisions of this standard are effective 30 days after the date of publication of the announcement portion of the approved standard in the **Federal Register.**

All equipment which is within the scope of the Applicability provision of FIPS 60, and which is ordered on or after the effective date of this SMD standard, or procurement actions for which solicitation documents have not been issued by that date, must conform to the provisions of this SMD standard or to FIPS 60 plus associated power control and operational specifications standards, or to any other permitted alternative to FIPS 60, unless a waiver has been granted in accordance with the procedure described elsewhere in this publication.

Regulations concerning the specific use of this standard in Federal procurement will be issued by the General Services Administration to be a part of the Federal Information Resources Management Regulations.

This standard shall be reviewed by NBS within three years after its date of issue, taking into account technological trends and other factors, to determine whether the standard should be affirmed, revised, or withdrawn.

*Waivers.* Since this standard is an alternative to FIPS 60, plus associated power control and operational specification standards, waiver procedures for this standard shall be as designated in FIPS 60. Waivers of this standard are not required where FIPS 60 does not apply. Any waiver of FIPS 60 also is a waiver of this standard.

*Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication 111 (FIPSPUB111), and title. Payment may be made by check, money order, purchase order, credit card, or deposit account.

[FR Doc. 85-9305 Filed 4-17-85; 8:45 am]

BILLING CODE 3510-13-M

## National Oceanic and Atmospheric Administration

### Marine Mammals; Application for Permit: Dr. John D. Hall

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name: Dr. John D. Hall (P75C).

b. Address: 8410 Owen Circle, Anchorage, Alaska 99502.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: An unspecified number of Pacific white-sided dolphins (Lagenorhynchus obliquidens), Dall's porpoise (Phocoenoides dalli), harbor porpoise (Phocoena phocoena), killer whales (Orcinus orca), minke whales (Balaenoptera acutorostrata), fin whales (Balaenoptera physalus), and humpback whales (Megaptera novaeangliae) may be encountered and incidentally harassed while conducting observational and photographic activities.

4. Location of activity: Gulf of Alaska.

5. Period of Activity: Three (3) years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.,

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 12, 1985.

**William G. Gordon,**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 85-9320 Filed 4-17-85; 8:45 am]

BILLING CODE 3510-22-M

### Marine Mammals; Application for Permit: Dr. Howard E. Winn

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name: Dr. Howard E. Winn (P12F), Graduate School of Oceanography.

b. Address: University of Rhode Island, Kingston, Rhode Island 02881.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: All cetacean species from Florida to Nova Scotia and humpback whales *(Megaptera novaeangliae)* worldwide.

4. Type of Take: Harassment.

5. Location of Activity:

6. Period of Activity: 4 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of

such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts, 01930–3799

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE, BIN C15700, Seattle, Washington, 98115; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 12, 1985.

**Joseph W. Angelovic,**

*Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.*

[FR Doc. 85–9352 Filed 4–17–85; 8:45 am]

BILLING CODE 3510-22-M

## National Technical Information Service

### Notice of Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Oncogen, having a place of business in Seattle, Washington, an exclusive right to manufacture, use, and sell products embodied on the invention entitled "Tumor Growth Inhibitory Factor," U.S. Patent Application SN 6–602,520. The patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the day of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Invention and Patents, NTIS, Box 1423, Springfield, VA 22151.

**Douglas J. Campion,**

*Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.*

[FR Doc. 85–9338 Filed 4–17–85; 8:45 am]

BILLING CODE 3510-04-M

### Notice of Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Douglas Engineering, having an office in Concord, California an exclusive right to practice the invention embodied in U.S. Patent No. 4,425,240, "Plunging Water Jets for Oil Spill Containment and Recovery." The patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

**Douglas J. Campion,**

*Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.*

[FR Doc. 85–9339 Filed 4–17–85; 8:45 am]

BILLING CODE 3510-04-M

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### Procurement List 1985; Addition

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Addition to procurement list.

**SUMMARY:** This action adds to Procurement List 1985 a service to be provided by workshops for the blind and other severely handicapped.

**EFFECTIVE DATE:** April 18, 1985.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

**FOR FURTHER INFORMATION CONTACT:** C.W. Fletcher, (703) 557–1145.

**SUPPLEMENTARY INFORMATION:** On November 26, 1984, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (49 FR 46458) of proposed addition to Procurement List 1985, October 19, 1984 (49 FR 41195).

#### Addition

After consideration of the relevant matter presented, the Committee has determined that the service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the service listed.

c. The action will result in authorizing small entities to provide the service procured by the Government.

Accordingly, the following service is hereby added to Procurement List 1985:

SIC 7389

Commissary Shelf Stocking and Custodial Service, Randolph Air Force Base, Texas

**C.W. Fletcher,**

*Executive Director.*

[FR Doc. 85–9505 Filed 4–17–85; 8:45 am]

BILLING CODE 6820-33-M

### Procurement List 1985; Proposed Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed additions to procurement list.

**SUMMARY:** The Committee has received proposals to add to Procurement List 1985 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: May 22, 1985.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite

1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

**FOR FURTHER INFORMATION CONTACT:** C.W. Fletcher, (703) 557-1145

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

### Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and service to Procurement List 1985, October 1984 (49 FR 41195):

**Class 7670**

Microfiche, Subject Headings and Name Authorities: 7670-00-NSH-0001
(Requirements for Library of Congress only)

**SIC 7349**

Janitorial/Custodial, Naval Resale and Support Office, Fort Wadsworth, Staten Island, New York

**C.W. Fletcher,**

*Executive Director.*

[FR Doc. 85-9506 Filed 4-17-85; 8:45 am]

BILLING CODE 6820-33-M

## COMMODITY FUTURES TRADING COMMISSION

### Chicago Board of Trade Zero Coupon Treasury Bond Futures Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of availability of the terms and conditions of proposed commodity futures contract.

**SUMMARY:** The Chicago Board of Trade ("CBT") has applied for designation as a contract market in the Zero Coupon Treasury Bond. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATE:** Comments must be received on or before June 17, 1985.

**ADDRESS:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the CBT Zero Coupon Treasury Bond futures contract.

**FOR FURTHER INFORMATION CONTACT:** Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254-7227.

A copy of the terms and conditions of the proposed CBT Zero Coupon Treasury Bond futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBT in support of its application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by June 17, 1985.

Issued in Washington, D.C. on April 12, 1985.

**Jean A. Webb,**

*Secretary to the Commission.*

[FR Doc. 85-9318 Filed 4-17-85; 8:45 am]

BILLING CODE 6351-01-M

### New York Cotton Exchange European Currency Unit Futures Contract

**AGENCY:** Commidity Futures Trading Commission.

**ACTION:** Notice of availability of the terms and conditions of proposed commodity futures contract.

**SUMMARY:** The New York Cotton Exchange ("NYCE") has applied for designation as a contract market in the European Currency Unit ("ECU"). The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATE:** Comments must be received on or before June 17, 1985.

**ADDRESS:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the NYCE ECU futures contract.

**FOR FURTHER INFORMATION CONTACT:** Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-7227.

A copy of the terms and conditions of the proposed NYCE ECU futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the NYCE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the NYCE in support of its application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by [sixty (60) days after publication].

Issued in Washington, D.C., on April 12, 1985.

Jean A. Webb,

*Secretary to the Commission.*

[FR Doc. 85-9306 Filed 4-17-85; 8:45 am]

BILLING CODE 6351-01-M

## DEFENSE COMMUNICATIONS AGENCY

### Scientific Advisory Group; Closed Meeting

The DCA Scientific Advisory Group will hold closed meetings on 13 and 14 May 1985 at the Defense Communications Agency, Director's Management Information Center, at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The subject of the meeting will be the National Communications System, Defense Communications System, and DCA Support to Operational Commanders.

Any person desiring information about the Advisory Group may telephone (area code 703-883-5960) or write Chief Engineer, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, VA 22204.

These meetings are closed because the material to be discussed is classified requiring protection in the interest of National Defense. (5 U.S.C. 552b(c)(1)).

David R. Israel,

*Chief Engineer.*

[FR Doc. 85-9348 Filed 4-17-85; 8:45 am]

BILLING CODE 3610-05-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

### Ada Board; Meeting

**SUMMARY:** A meeting of the Ada Board will be held Monday, 13 May 1985 from 1:00 P.M. to 6:00 P.M. and Wednesday, 15 May 1985 from 9:00 A.M. to 1:00 P.M. in Gaite a of the Montparnasse Park Hotel in Paris, France.

**FOR FURTHER INFORMATION CONTACT:** Dr. Edward Lieblein, Acting Director, Ada Joint Program Office, (202) 694-0209.

Patricia H. Means,

*OSD Federal Register Liaison Officer, Department of Defense.*

April 12, 1985.

[FR Doc. 85-9411 Filed 4-17-85; 8:45 am]

BILLING CODE 3810-01-M

### Environments Committee; Meeting

**SUMMARY:** A meeting of the Environments Committee of the Ada Board will be held 14 May 1985 from 2:00 P.M. to 6:00 P.M. in Gaite b of the Montparnasse Park Hotel in Paris, France.

**FOR FURTHER INFORMATION CONTACT:** Dr. Edward Lieblein, Acting Director, Ada Joint Program Office, (202) 694-0209.

Patricia H. Means,

*OSD Federal Register Liaison Officer, Department of Defense.*

April 12, 1985.

[FR Doc. 85-9410 Filed 4-17-85; 8:45 am]

BILLING CODE 3810-01-M

### Language Maintenance Committee; Meeting

**SUMMARY:** A meeting of the Language Maintenance Committee of the Ada Board will be held 17 and 18 May 1985 from 9:00 A.M. to 6:00 P.M. both days in Gaite c of the Montparnasse Park Hotel in Paris, France.

**FOR FURTHER INFORMATION CONTACT:** Dr. Edward Lieblein, Acting Director, Ada Joint Program Office, (202) 694-0209.

Patricia H. Means,

*OSD Federal Register Liaison Officer, Department of Defense.*

April 12, 1985.

[FR Doc. 85-9412 Filed 4-17-85; 8:45 am]

BILLING CODE 3810-01-M

### Validations Committee; Meeting

**SUMMARY:** A meeting of the Validations Committee of the Ada Board will be held 16 May 1985 from 9:00 A.M. to 1:00 P.M. in Gaite c of the Montparnasse Park Hotel in Paris, France.

**FOR FURTHER INFORMATION CONTACT:** Dr. Edward Lieblein, Acting Director, Ada Joint Program Office, (202) 694-0209.

Patricia H. Means,

*OSD Federal Register Liaison Officer, Department of Defense.*

April 12, 1985.

[FR Doc. 85-9413 Filed 4-17-85; 8:45 am]

BILLING CODE 3810-01-M

### Department of the Air Force

### USAF Scientific Advisory Board; Meeting

April 9, 1985.

The USAF Scientific Advisory Board's Ad Hoc Committee on Artificial Intelligence will meet at the Pentagon, Washington, DC on May 15-16, 1985 and June 18-19, 1985.

The purpose of the meetings will be to review contractor and Air Force near-term AI application plans. There will be a short working session for report writing. The meetings will convene from 8:30 a.m. to 5:00 p.m. on May 15 and June 18 and from 8:30 a.m. to 4:00 p.m. on May 16 and June 19.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Norita C. Koirtko,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 85-9333 Filed 4-17-85; 8:45 am]

BILLING CODE 3910-01-M

## DEPARTMENT OF EDUCATION

### Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages

*Correction*

In FR Doc. 85-9015 beginning on page 14743 in the issue of Monday, April 15, 1985, make the following correction: On page 14743, in the third column, in the **DATES** paragraph, in the second line, "April 15" should read "May 15".

BILLING CODE 1505-01-M

## DEPARTMENT OF ENERGY

### Procurement and Assistance Management Directorate; Restricted Eligibility for Grant Award; United Nations Institute for Training and Research

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of Restricted Eligibility for Grant Award.

**SUMMARY:** DOE announces that it plans to award a grant in the amount of $50,000 in partial support of the United Nations Institute for Training and Research. Pursuant to § 600.7(b) of the DOE Financial Assistance Rules, 10 CFR Part 600, DOE has determined that eligibility for this grant award shall be limited to the United Nations Institute for Training and Research.

*Procurement Request Number:* 01-85FE60683:000.

*Project Scope:* The United Nations Institute for Training and Research

(UNITAR) is hosting a conference on "Heavy Crude and Tar Sands" which will take place in Long Beach, California, from July 22, 1985, to July 31, 1985.

The Conference will discuss the latest world developments in the exploration for and production of heavy crude and tar sands.

The DOE is vitally interested in the potential of heavy crude and tar sands to help meet the energy demands of the future and to encourage exploration and production of such energy, and has determined that this award to the United Nations Institute for Training and Research (UNITAR) on a restricted eligibility basis is appropriate.

**FOR FURTHER INFORMATION CONTACT:** Shirley Jones/James Beiriger, MA-452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue SW., Washington, DC 20585.

Issued in Washington, D.C., on April 10, 1985.

**Ben Goldman,**

*Director, Contract Operations Division "A," Office of Procurement Operations.*

[FR Doc. 85-9417 Filed 4-17-85; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

**[Docket Nos. ER85-415-000, et al.]**

## American Electric Power Service Corp. et al.; Electric Rate and Corporate Regulation Filings

April 15, 1985.

Take notice that the following filings have been made with the Commission:

### 1. American Electric Power Service Corporation

[Docket No. ER85-415-000]

Take notice that on April 5, 1985, American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate Ohio Power Company (OPCO), which is an AEP operating subsidiary, Supplement No. 15 dated February 1, 1985 to the Interconnection Agreement dated January 1, 1952 between OPCO and the Ohio Edison Company (Edison). The Commission has previously designated the 1952 Agreement as OPCO's Rate Schedule FERC No. 25 and Edison's Rate Schedule FERC No. 9.

AEP states that Supplement No. 15 revises the Interchange Power Service Schedule to include provisions for Non-Displacement power and energy transactions between the parties and provides for an increase in the transmission demand rate for Short Term Power and OPCO is the supplying party to $0.46 per kilowatt per week and to $0.092 per kilowatt per day.

AEP further states for Non-Displacement power and energy, contained in this Supplement are the same as those between OPCO and other interconnected electric utility systems, which have been accepted for filing by the Commission. In addition, the proposed transmission demand rates for Short Term Power are the same as those between AEP and other interconnected electric utility systems which have been accepted for filing by the Commission. AEP requests an effective date of April 15, 1985, which will allow AEP to offer similar services at similar rates to electric utility systems interconnected with AEP affiliated operating subsidiaries as established in previous AEP filings, and therefore requests waiver of this Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of Ohio.

*Comment date:* April 30, 1985, in accordance with Standard Paragraph E at the end of this notice.

### 2. Kansas Power and Light Company

[Docket No. ER85-417-000]

Take notice that on April 5, 1985, Kansas Power and Light Company (KP&L) tendered for filing a new Rate Schedule for Service Schedule I for Participation Power under the Interconnection Agreement dated June 1, 1980, between KP&L and the Sunflower Electric Cooperative, Inc. (Sunflower). KP&L states that its new rate schedule is to maintain existing rates for participation power from Jeffrey Energy Center Unit No. 3 and to delete existing references to participation power from Unit No. 2.

KP&L further states that the proposed tariff changes arise from the load requirements for Sunflower now being served from Jeffrey Unit No. 3 instead of from Units No. 2 and No. 3 all as provided for by the Electric Interconnection Agreement between KP&L and Sunflower.

KP&L requests an effective date of June 1, 1985, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Sunflower Electric Cooperative, Inc. and the State Corporation Commission of the State of Kansas.

*Comment date:* April 30, 1985, in accordance with Standard Paragraph E at the end of this notice.

### 3. Public Service Company of Colorado

[Docket No. ER85-416-000]

Take notice that on April 5, 1985, Public Service Company of Colorado (Public Service) in its Contract for Interconnection and Transmission Service (Contract) with the United States Department of Energy, Western Area Power Administration (WAPA). Public Service states that the proposed change is a revised Exhibit A to Public Service's Contract with WAPA, dated May 9, 1962, on file with the Commission under Companys FERC Rate Schedule No. 7.

Public Service states that the revised Exhibit A is to establish the maximum kilowatt demand level for transmission service for calendar year 1988 and also to revise the maximum demand for calendar year 1985, 1986 and 1987.

Public Service requests an effective date of December 5, 1984, and therefore requests waiver of the Commission's notice requirements.

According to Public Service copies of this filing were served upon all parties to the Agreement and affected commissions.

*Comment date:* April 30, 1985, in accordance with Standard Paragraph E at the end of this notice.

### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-9391 Filed 4-17-85; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. G-13758-004, et al.]**

## Conoco Inc. et al.; Applications for Abandonment of Service

April 12, 1985.

Take notice that each of the Applicants listed herein has filed an

application or petition pursuant to section 7 of the Natural Gas Act for authorization to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 30, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

| Docket No. and date filed | Applicant | Purchaser and location | Price per 1,000 ft³ | Pressure base |
|---|---|---|---|---|
| G-13758-004, D, Apr. 1, 1985 | Conoco Inc., P.O. Box 2197, Houston, Texas 77252 | Transcontinental Gas Pipe Line Corporation, Various OCS Leases, Offshore Louisiana. | (1) | |
| CI63-1000-000, D, Mar. 15, 1985 | Exxon Corporation, P.O. Box 2180, Houston, Texas 77252-2180. | Arkansas-Louisiana Gas Company, Lacey Area, Kingfisher County, Oklahoma. | (2) | |
| CI65-739-006, D, Mar. 28, 1985 | Shell Western E&P Inc., P.O. Box 4684, Houston, Texas 77210. | ANR Pipeline Company, Kings Bayou Field, Cameron Parish, Louisiana. | (3) | |
| CI69-57-001, D, Mar. 8, 1985 | Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Okla. 74102. | Tennessee Gas Pipeline Company, NE/4 and S/2 East Cameron Block 83, Offshore Louisiana. | (4) | |
| CI85-265-000, (CI75-245), B, Mar. 11, 1985. | Beck Pump & Supply, Inc. | Arkansas-Louisiana Gas Company, S.W. Lacey Field, Kingfisher County, Oklahoma. | (5) | |
| CI85-287-000, B, Mar. 15, 1985 | Hugh Spencer, West Union, W. Va. 26456. | Cities Service Oil & Gas Corporation, New Milton District, Doddridge County, West Virginia. | (6) | |
| CI85-288-000, (CI80-84), B, Mar. 15, 1985. | Quinoco Resources, Inc. (Succ. to GEO Oil and Gas Company of Houston), 3801 East Florida Avenue, P.O. Box 10800, Denver, Colorado 80210-0800. | Williston Basin Interstate Pipeline Company, Pavilion Field, Fremont Country, Wyoming. | (7) | |
| CI85-289-000, (CI78-1078), B, Mar. 18, 1985. | Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Okla. 73125. | Southern Natural Gas Company, State Lease No. 1230, Well No. 3, Block 36 Breton Sound Area, Plaquemines Parish, Louisiana. | (8) | |
| CI85-292-000, B, Mar. 18, 1985 | DN & Ruth I. Penton DBA Penton & Penton, P.O. Box 308, DeQuincy, Louisiana 70633. | Transcontinental Gas Pipe Line Corporation, Bear Field, Calcasieu Parish, Louisiana. | (9) | |
| CI85-302-000, B, Mar. 28, 1985 | G. N. Rupe, *et al.* | Northwest Central Pipeline Corporation, Conf/Ellsworth SE, Ellsworth County, Kansas. | (10) | |
| CI85-305-000, (G-16023), B, Apr. 1, 1985. | Tom Brown, Inc., P.O. Box 2608, Midland, Texas 79702. | Natural Gas Pipeline Company of America, Charleson Field, Caddo County, Oklahoma. | (11) | |
| CI85-306-000, B, Apr. 1, 1985 | Texas West Oil & Gas Corporation, 1180 One First City Center, Midland, Texas 79701. | Northwest Central Pipeline Corporation, SW¼ NE¼ Sec. 24-T27N-R15W, North Arvard Pool, Woods County, Oklahoma. | (9) | |
| CI85-308-000, B, Apr. 1, 1985 | Tenneco Oil Company & Westmore Drilling Company, Inc., P.O. Box 2511, Houston, Texas 77001. | Northwest Central Pipeline Corporation, S/2 NE/4 Sec. 30-T31S-R11W, Whelan Field, Barber County, Kansas. | (12) | |
| CI85-309-000, B, Apr. 2, 1985 | Service Drilling Co., 1800 Fourth Natl. Bank Bldg. Tulsa, Okla. 74119. | Panhandle Eastern Pipe Line Company, South Midwell Field, Cimarron County, Oklahoma. | (13) | |
| CI62-469-000, D, Mar. 12, 1985 | Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252. | Arkansas-Louisiana Gas Company, South Marlow Field, Stephens County, Oklahoma. | (14) | |
| CI85-291-000, (CI79-249), B, Mar. 18, 1985. | do | Southern Natural Gas Company, Woodwardville Field, Bienville Parish, Louisiana. | (15) | |
| CI85-298-000, (CI72-447), B, Mar. 25, 1985. | do | Southern Natural Gas Company, Diamond Field, Plaquemines Parish, Louisiana. | (16) | |
| CI85-304-000, (CI68-260), B, Apr. 1, 1985. | do | United Gas Pipe Line Company, Mustang Island Field, Offshore Nueces County, Texas. | (17) | |
| G-5716-024, D, Mar. 20, 1985 | Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046. | Northern Natural Gas Company, Hugoton Field, Finney and Stevens Counties, Kansas. | (18) | |
| G-5716-025, D, Mar. 20, 1985 | do | do | (19) | |
| G-5716-026, D, Mar. 20, 1985 | do | do | (19) | |
| G-5716-027, D, Mar. 21, 1985 | Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046. | Northern Natural Gas Company, West Panhandle Field, Carson and Gray Counties, Texas. | (19) | |
| G-5716-028, D, Mar. 21, 1985 | do | do | (20) | |
| G-5176-000, D, Apr. 1, 1985 | Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2680. | Panhandle Eastern Pipe Line Company, Hugoton Field, Stevens County, Kansas. | (21) | |
| CI62-1111-000, D, Feb. 5, 1985 | do | ANR Pipeline Company, Mocane-Laverne Field, Harper County, Oklahoma. | (22) | |
| CI63-35-000, D, Apr. 8, 1985 | do | El Paso Natural Gas Company, Brown Bassett Field, Crockett County, Texas. | (23) | |
| CI64-875-000, D, Mar. 22, 1985 | Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2680. | Arkansas-Louisiana Gas Company, N.E. Enid Field, Garfield County, Oklahoma. | (24) | |
| CI68-200-001, D, Mar. 25, 1985 | do | Arkansas-Louisiana Gas Company, Peno Field, Le Flore *et al.* Counties, Oklahoma. | (25) | |
| CI85-286-000, (CI78-663), B, Mar. 11, 1985. | do | Transcontinental Gas Pipe Line Corporation, Bear Field, Beauregard Parish, Louisiana. | (26) | |
| CI85-293-000, (G-10757), B, Feb. 14, 1985. | do | Northwest Central Pipeline Corporation, North Rhodes Field, Barber County, Kansas. | (27) | |
| CI85-294-000, (CI68-1280), B, Mar. 22, 1985. | do | Transwestern Pipeline Company, Bluitt Field, Roosevelt County, New Mexico. | (28) | |
| G-3210-000, D, Apr. 3, 1985 | Southeastern Gas Company, 1319 Quarrier Street, Charleston, W. Va. 25301. | Columbia Gas Transmission Corporation, Martin and Knott Counties, Kentucky. | (29) | |
| G-3210-001, D, Apr. 3, 1985 | do | Columbia Gas Transmission Corporation, Floyd County, Kentucky. | (29) | |
| G-3210-002, D, Apr. 3, 1985 | do | do | (30) | |
| G-3322-000, D, Apr. 3, 1985 | do | Kentucky-West Virginia Gas Company, Floyd County, Kentucky. | (31) | |
| G-3322-001, D, Apr. 3, 1985 | do | do | (32) | |
| G-3322-002, D, Apr. 3, 1985 | do | do | (32) | |
| G-10358-000, D, Apr. 3, 1985 | do | Columbia Gas Transmission Corporation, Floyd and Knott Counties, Kentucky. | (24) | |

| Docket No. and date filed | Applicant | Purchaser and location | Price per 1,000 ft³ | Pressure base |
|---|---|---|---|---|
| CI69-494-000, D, Apr. 4, 1985 | Phillips Petroleum Company, 336 Home Savings & Loan Bldg., Bartlesville, Okla. 74004. | Arkansas-Louisiana Gas Company, Clarksville and Scranton Fields, Johnson County, Arkansas. | (1) | |
| CI85-282-000, (CI66-1303), B, Mar. 11, 1985 | Phillips Oil Company (Succ. in Interest to Aminoil, Inc.), 336 Home Savings & Loan Bldg. Bartlesville, Okla. 74004. | Trunkline Gas Company, East Fresh Water Bayou Field Area, Vermilion Parish, Louisiana. | (2) | |
| CI85-372-000, B, Apr. 8, 1985 | J T Oil Company | Panhandle Eastern Pipe Line Company, NE Soiling Field, Dewey County, Oklahoma. | (3) | |
| CI85-373-000, B, Apr. 8, 1985 | Solar Petroleum Inc., 520 Patterson Bldg. Denver, Colorado 80202. | Mountain Fuels, Powder Wash Field, Moffat County, Colorado. | (4) | |
| CI85-374-000, B, Apr. 8, 1985 | Pronalta Corporation, P.O. Box 2514, Casper, Wyoming 82602. | Colorado Interstate Gas Company, Federal Well No. 34-10, Playa Area, SW¼ SE¼ Sec. 10-T20N-R99W, Sweetwater County, Wyoming. | (5) | |
| CI85-375-000, B, Apr. 8, 1985 | do | Colorado Interstate Gas Company, Federal Well No. 13-14, Playa Area, NW¼ SW¼ Sec. 14-T20N-R99W, Sweetwater County, Wyoming. | (5) | |

[1] Expiration of leases.
[2] Production from the T. C. Blodgett Unit No. 1 Well is declining. The well will not produce sufficient quantities against the current operating pressure, and neither Buyer nor Seller can economically justify the installation of compression equipment.
[3] Leases released to lessors effective 3-13-85.
[4] OCS Lease No. G-1478 covering the NE/4 and S/2 of Block 83, East Cameron Area, Offshore Louisiana expired of its own terms effective 4-4-80.
[5] Contract expired, well unable to produce into purchaser's high pressure line without compression. It is not economical to compress gas.
[6] Low volume of gas.
[7] To release approximately 72% of the gas from the wells for direct sales to Koch Hydrocarbon Company for a period of (24) months from the effective date of authorization of abandonment. The proposed abandonment and resulting direct sale to Koch will not have any financial or supply impact on WBI ratepayers, because WBI currently is not taking the volumes for which abandonment is sought as a result of gas industry supply/demand imbalances and WBI's system requirements.
[8] The well watered out.
[9] Depletion.
[10] Non Commercial Production.
[11] Current gas production is from a formation deeper than existing dedication to NGPL, and is purchased by Transok, Inc. Tom Brown, Inc. desires to commingle available gas production from a more shallow zone, which is dedicated to NGPL, with that deeper formation currently dedicated to Transok, Inc. NGPL has verbally advised their intent to intervene in support herein.
[12] Expiration of Tenneco's contract dated 2-3-65 with Westmore, by its own terms on 2-3-85.
[13] Well has been plugged and abandoned, Oil and Gas Lease has expired by its own terms.
[14] Lease covered by original contract dated 8-1-61, as amended, is not covered by the rollover contract dated 8-25-81 and was cancelled in January 1981.
[15] Production has ceased, the well has been plugged and abandoned and all leases terminated. Applicant no longer owns an interest in the acreage.
[16] Gulf's interest in the Diamond Field, Plaquemines Parish, Louisiana has been assigned to B. R. Eubanks.
[17] The sale of gas covered by the contract dated 9-25-69, as amended, between Gulf and United ceased July 1974, leases expired, surrendered to State of Texas, cancelled and last producing well plugged and abandoned. Gulf no longer owns an interest in the acreage covered by the contract.
[18] To release gas for irrigation fuel.
[19] Assignment of oil, gas, and mineral lease to Panstar Oil & Gas, Inc.
[20] By assignment of oil, gas, and mineral lease, dated 11-26-84, to be effective 8-1-84, Mobil Producing Texas & New Mexico Inc. assigned to J. C. Daniels Energy certain lease and assignment.
[21] Assignment and Bill of Sale to Cities Service Oil & Gas Corporation.
[22] Partial Assignment and Bill of Sale to Kaiser-Francis Oil Co.
[23] Assignment and Bill of Sale to WTG Exploration, Inc.
[24] The reservoir pressure has decreased to the point that the well can no longer produce against the line pressure. Both parties have agreed to release the subject well from the commitment under the sales contract. Union Texas Petroleum has agreed to purchase the release gas for processing in their Chaney-Dell Plant.
[25] Partial Assignment and Bill of Sale to R. A. Miller Energy, Inc. of Sun's interest in Arkansas Valley Farms.
[26] All Sun's leasehold rights released. Depletion of gas reserves.
[27] Partial Assignment and Bill of Sale to McCoy Petroleum Corporation.
[28] Southeastern Gas Company hereby seeks release of approximately 100 Mcf annually from its 11-17-42 contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing consumers.
[29] Southeastern Gas Company hereby seeks release of approximately 700 Mcf annually from its 3-26-29 contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing customers.
[30] Southeastern Gas Company hereby seeks release of approximately 100 Mcf annually from its 9-11-29 contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing consumers.
[31] Southeastern Gas Company hereby seeks release of approximately 200 Mcf annually from its 9-20-32 contract with Kentucky-West Virginia Gas Company, in order to continue furnishing gas to the existing consumers.
[32] Southeastern Gas Company hereby seeks release of approximately 100 Mcf annually from its 10-29-40 contract with Kentucky-West Virginia Gas Company, in order to continue furnishing gas to the existing consumers.
[33] Southeastern Gas Company hereby seeks release of approximately 100 Mcf annually from its 11-30-29 contract with Kentucky-West Virginia Gas Company, in order to continue furnishing gas to the existing consumers.
[34] Southeastern Gas Company hereby seeks release of approximately 13,800 annually from its 11-16-31 contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing consumers.
[35] Phillips Petroleum Company as assignor assigned to Sun Exploration and Production Company and Tenneco Oil Company, as assignees, its interest in those leases located in Sec. 34-10N-23W, Johnson County, Arkansas.
[36] Wells have been plugged and abandoned and deliveries ceased January 1981.
[37] Well watered out.
[38] The well has been shut in for an indeterminable amount of time because of the purchaser not wanting the gas. Another purchaser has been found to take the gas.
[39] The well is depleted. Well was depleted by compressor installation to less than 50 psig wellhead pressure. There is no other gas producing zones in the well. The well needs to be plugged and abandoned to meet BLM lease requirements.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 85-9394 Filed 4-17-85; 8:45 am]
BILLING CODE 6717-01-M

**[Docket No. CP74-314-014, et al.]**

## El Paso Natural Gas Co., et al.; Offer of Settlement, Applications for Certificates of Public Convenience and Necessity and Requests for Authority To Abandon Service and Facilities

April 12, 1985.

| In the matter of: | Docket No. |
|---|---|
| El Paso Natural Gas Co. | CP74-314-014 |
| Sun Exploration and Production Co., et al. | CI77-526-004 |
| El Paso Natural Gas Co. | CI83-356-004 |
| Tenneco Oil Co. | CI84-49-003 |
| Conoco Inc. | CI84-51-003 |

Take notice that pursuant to Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602, on April 8, 1985, El Paso Natural Gas Company (El Paso), Tenneco Oil Company (Tenneco Oil), and Conoco Inc. (Conoco) filed a Joint Offer of Settlement and Request for Approval of Stipulations and Agreements (Joint Offer) in the above-referenced proceedings that would resolve all matters in dispute between El Paso, its customers, interested state Commissions and Commission Staff on the one hand, and Tenneco Oil and Conoco on the other, in the above-referenced dockets and/or related to Tenneco Oil and/or Conoco's ownership of interests in specified gas lease agreements. The instant Joint Offer supplants and supersedes the Offer of Settlement filed on May 18, 1984 in Docket No. CP74-314-009.

The Joint Offer involves gas lease agreements (GLA's) covering properties in the San Juan Basin of New Mexico to which El Paso and Tenneco Oil and Conoco are parties. Incorporated in the Stipulation of Settlement and Agreement and included within the Joint Offer are

applications for certificates of public convenience and necessity, requests for authority to abandon service and facilities, and agreements on El Paso's pricing of certain company owned production in the San Juan Basin, all as more fully described in the Joint Offer, stipulations, applications and requests on file herein.

The Joint Offer submitted by the parties provides for the transfer of the lease rights originally conveyed under the subject GLA's from El Paso to Tenneco Oil and Conoco to be effective on the effective date of the certificates and approvals requested as part of the Joint Offer. In order to effectuate the transfer of lease rights that are subject to FERC jurisdiction, El Paso requests any and all requisite approvals to effect that transfer, and terminate operations, as specified in the Joint Offer.

The Joint Offer includes contracts for sales of gas from the GLA properties by Tenneco Oil to El Paso and Conoco to El Paso that are the subject of the applications for certificates of public convenience and necessity submitted in Docket Nos. CI84–49 and CI84–51, respectively. The contracts provide, in terms more specifically detailed in the submittals incorporated within the Joint Offer, for sales of gas to El Paso at the applicable maximum scheduled prices, with a base price for the gas not qualifying for a higher maximum lawful price of the Section 104 replacement contract rate, as that term is defined at 18 CFR 2.56(a)(5), as such price has been and shall be adjusted and escalated from time to time.

The Joint Offer also provides for the amendment of all contracts for the sale of gas in the San Juan Basin in New Mexico and Colorado by and between El Paso and Tenneco Oil and El Paso and Conoco in order to allow Tenneco Oil and Conoco to process all gas sold thereunder. Applications for any necessary amendments to existing section 7(c) certificates and rate schedules are filed as a part of the Joint Offer.

The Joint Offer further provides for the construction of a new cryogenic plant to be built, owned and operated by Tenneco Oil and Conoco. El Paso has applied for authority, to the extent necessary, to cease certain compression and gas processing operations at its Blanco gas processing plant in the San Juan Basin upon the completion of the cryogenic facility and for authority under section 7(c) of the Natural Gas Act to construct and operate any facilities necessary to interconnect with the new cryogenic extraction plant.

Also included within the Joint Offer are applications by El Paso for permission, consistent with the terms of gas transportation agreements that are appendices to the Stipulation of Settlement and Agreement, to transport for Tenneco Oil and Conoco pursuant to the terms thereof, gas released or removed from their gas sales contracts.

Included within the Joint Offer is a Supplemental Stipulation under which El Paso has agreed to certain pricing limitations on its company owned production in the San Juan Basin for the term thereof, subject to certain express to such production, and the construction of the new cryogenic processing plant in the San Juan Basin for the processing of that gas subject to the Settlement.

If approved, the Joint Offer, with attachments, subject to the conditions and reservations contained therein, would resolve all matters arising out of Tenneco Oil and Conoco's ownership of an interest in the subject GLA's, or their receipt of overriding royalties thereunder, and out of El Paso's ownership and operation of the leases covered thereby, including its payment to Tenneco Oil and Conoco of overriding royalties pursuant to the subject GLA's. Accordingly, all pending or future claims as to Tenneco Oil and/or Conoco arising out of or pertaining thereto would be dismissed with prejudice and/or permanently foreclosed, including any issues currently pending as to them in El Paso's PGA proceedings.

Any person desiring to file comments on any aspect of the Joint Offer, including any participant in any of the above-referenced proceedings, shall, within twenty (20) days of April 8, 1985 file such comments with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the requirements of 18 CFR 385.602(f)(2). Any reply comments should be filed within fifteen (15) days thereafter.

All comments filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings herein. Persons wishing to become parties to the proceedings involving the referenced applications and requests or to participate as a party in any hearing thereon must file petitions to intervene in accordance with 18 CFR 385.214 or 385.211 of the Commission's rules.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85–9395 Filed 4–17–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER85–301–000]

## Massachusetts Refusetech, Inc.; Order Accepting Rates for Filing, Granting Requests for Waivers and Authorization, Terminating Docket and Delegating Authority

Issued April 15, 1985.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa, Oliver G. Richard III and Charles G. Stalon.

On February 14, 1985, Massachusetts Refusetech, Inc. (MRI) tendered for filing an executed agreement applicable to sales of energy from a solid waste refuse-to-energy facility located in North Andover, Massachusetts, to New England Power Company (NEP).[1] By order dated December 22, 1983, 25 FERC ¶ 61,406, the Commission granted MRI's request for certification of the facility as a qualifying small power production facility.[2] The facility is scheduled to become operational in June of 1985. The proposed rates are intended to take effect when sales of electric energy from the facility first occur. MRI requests waiver of the 120-day advance filing limitation to the extent necessary to permit the agreement to become effective upon initiation of service. MRI also requests waiver of the Commission's regulations regarding cost of service documentation, accounting practices, reporting requirements, annual charges, property dispositions and consolidations, securities issuances or assumptions of liability, and the holding of interlocking directorate positions.

Notice of the filing was published in the **Federal Register**,[3] with comments due on or befoe March 7, 1985. No protests or motions to intervene have been received.

### Discussion

Initially, we note that MRI's requested waivers of our filing requirements are identical to those granted by the Commission's orders in *Resources Recovery (Dade County), Inc.*, 18 FERC ¶ 61,243 (1982) and 20 FERC ¶ 61,138 (1982). Consistent with those orders, we shall grant these requested waivers and necessary authorizations, subject to the same conditions as specified in the August 3, 1982 order in *Resource Recovery*, 20 FERC at 61,304.

[1] Designated as: *Massachusetts Refusetech, Inc.*, Rate Schedule FERC No. 1.

[2] However, since the capacity of the facility will exceed 30 megawatts, it is not eligible for exemption from the requirements of the Federal Power Act.

[3] 50 FR 8655 (1985).

Based on our review of MRI's filing, we find that the proposed rates will not produce excessive revenues. Further, in light of the fact that the proposed rate schedule is predicated on construction of a new facility [4] and given the concurrence of NEP as evidenced by its execution of the tendered agreement, we find good cause to grant waiver of the 120-day advance filing limitation to the extent necessary. Accordingly, we shall accept MRI's submittal for filing without suspension or a hearing, to become effective upon commencement of service.

Finally we shall delegate authority to the Director of the Office of Electric Power Regulation, to take action on uncontested future filings relating to qualifying small power production facilities with capacity between 30 and 80 megawatts, including action consistent with this order on requests for waiver of our regulations and related authorizations under the Federal Power Act.

**The Commission Orders**

(A) MRI's requests for waivers of the Commission's filing requirements are hereby granted, along with the authorizations and subject to the same conditions provided for in the August 3, 1982 order in *Resources Recovery*, 20 FERC ¶61,138 (1982).

(B) MRI's request for waiver of the 120-day advance filing limitation is hereby granted for good cause shown.

(C) MRI's submittal is hereby accepted for filing to become effective upon commencement of service, without suspension or a hearing. MRI shall notify the Commisson within fifteen (15) days after the date on which service commences.

(D) Authority to take action on future filings relating to noncontested nonexempt qualifying small power production facilities, including action on requests for waivers of the Commission's regulations under the Federal Power Act and related authorizations, consistent with this order, is hereby delegated to the Director of the Office of Electric Power Regulation.

(E) Docket No. ER85-301-000 is hereby terminated.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-9396 Filed 4-17-85; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. ID-2159-001]**

## Thomas O. Lind; Application

April 10, 1985.

Take notice that on March 26, 1985, Thomas O. Lind (applicant) filed and application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Louisiana Power & Light Company

Vice President, New Orleans Public Service Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1985. Protests will be considered by the Commission in determining the appropriation action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-9393 Filed 4-17-85; 8:45 am]

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**[Project No. 1979-002, et al.]**

## Wisconsin Electric Power Co., et al.; Availability of Environmental Assessment and Finding of No Significant Impact

April 15, 1985.

| | Project No. |
|---|---|
| Wisconsin Electric Power Company | 1979-002 |
| Calaveras County Water District | 2903-004 |
| John M. Jordan | 3161-001 |
| Chittenden Falls Hydro Power, Inc. | 3273-002 |
| Energenics Systems, Inc. | 3816-003 |
| Clifton Power Corporation | 4632-000 |
| Cogeneration, Inc. | 4797-001 |
| South Fork Resources, Inc. | 4885-003 |
| Lawrence R. Taft | 4900-001 |
| Goose Creek Hydro Associates | 5927-001 |
| Roseburg Lumber Company | 5931-002 |
| Eveready Machinery Company, Inc. | 6066-001 |
| Gold Run Hydro Associates | 6712-000 |
| Placer County Water Agency | 6040-002 |
| Placer County Water Agency | 6042-002 |
| Gold Run Hydro Associates | 6713-000 |
| Gold Run Hydro Associates | 6714-000 |
| Placer County Water Agency | 6046-002 |
| N.H. Water Resources Board | 6752-001 |
| Cities of Minden, Louisiana, et al. | 7042-001 |
| Fox Valley Corporation | 7264-000 |
| Willow River Hydro Associates | 7444-001 |
| Willow River Hydro Associates | 7483-000 |
| Gene M. Peters | 7577-000 |
| Alden J. Greenwood | 7920-000 |
| Alden J. Greenwood | 7921-000 |
| Alden J. Greenwood | 7922-000 |
| Little Rapids Corporation | 8015-000 |
| Marshall Saunders, et al. | 8324-001 |
| Stockport Milling | 8376-000 |
| City of Montague, Massachusetts | 8428-000 |
| Harold E. Foster, Robert Z. Walker | 8726-000 |
| Palmdale Water District | 8734-000 |

In Accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and have assessed the environmental impacts of the proposed developments.

| Project No. | Project name | State | Body of water | Nearest town |
|---|---|---|---|---|
| 1979-002 | Alexander | WI | Wisconsin River | Merrill. |
| 2903-004 | New Hogan | CA | Calaveras River | Valley Springs. |
| 3161-001 | Randolph Mills No. 1 | NC | Deep River | Franklinville. |
| 3273-002 | Chittenden Falls | NY | Kinderhook Creek | Rossman. |
| 3816-003 | Southside Canal | CO | Southside Canal | Colfbran. |
| 4632-000 | Clifton Mills No. 1 | SC | Pacolet River | Spartanburg. |
| 4797-001 | Auger Falls | ID | Snake River | Twin Falls. |
| 4885-003 | Twin Falls | WA | North Bend | South Fork Snoqualmie River. |
| 4900-001 | Forestpolt | NY | Black River | Forestport. |
| 5927-001 | Goose Creek | VA | Goose Creek | Leesburg. |
| 5931-002 | Hatchet Creek | CA | Hatchet Creek | Redding. |
| 6066-001 | Derby | CT | Housatonic River | Derby and Shelton. |
| 6712 and 6040 | Gold Run Pipe | CA | Lower Boardman Canal | Monte Vista and Gold Run. |

[4] *See* 18 CFR 35.3(b).

| Project No. | Project name | State | Body of water | Nearest town |
|---|---|---|---|---|
| 6713 and 6042 | Secret Town Pipe | CA | Lower Boardman Canal | Secret Town. |
| 6714 and 6046 | Cape Horn Chute Pipe | CA | Lower Boardman Canal | Shady Glen. |
| 6752-001 | Avery Dam | NH | Winnipesaukee River | Laconia. |
| 7042-001 | John H. Overton Lock and Dam | LA | Red River | Rapides Parish. |
| 7264-000 | Middle Appleton Dam | WI | Fox River | Appleton. |
| 7444-001 | Willow Falls | WI | Willow River | Hudson. |
| 7483-000 | Mound Pond | WI | Willow River | Burhardt. |
| 7577-000 | Burton Creek | WA | Burton Creek | Packwood. |
| 7920-000 | Waterloom | NH | Souhegan River | New Ipswich. |
| 7921-000 | Otis Falls | NH | Souhegan River | Greenville. |
| 7922-000 | Chamberlain Falls | NH | Souhegan River | Greenville. |
| 8015-000 | Shawano Project | WI | Wolf River | Shawano, Richmond. |
| 8324-001 | M.D. Hydro | CA | Sheridan Creek | Millville and Shingletown. |
| 8376-000 | Stockport Mill | OH | Muskingum River | Stockport. |
| 8428-000 | Montague | MA | Connecticut River | Montague. |
| 8726-000 | Upper Cold Springs | CA | Upper Cold Springs | Montague. |
| 8734-000 | Palmdale | CA | Lake Palmdale | Palmdale. |

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements will not be prepared.

Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-9397 Filed 4-17-85; 8:45 am]

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## Office of Hearnings and Appeals

## Issuance of Decisions and Orders; Week of March 11 through March 15, 1985

During the week of March 11 through March 15, 1985, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

### Remedial Order

*Dorchester Gas Corp., 3/11/85, HRO-0045*

Dorchester Gas Corp. objected to a Proposed Remedial Order (PRO) that the Economic Regulatory Administration issued to the firm on March 19, 1982. In the PRO, the ERA found that during the period November 1, 1974 through August 1979, Dorchester improperly reported the tier classification of certain of its crude oil receipts to the Entitlements Program. The PRO concluded that Dorchester should be required to make restitution by refunding to the DOE $54, 174,234.96, plus interest. Dorchester claimed that the firm correctly reported its crude oil receipts based upon its "pooling" method of accounting for crude oil certifications. In the analysis of the case, the DOE found that Dorchester did violate the DOE regulations since its "pooling" practices resulted in the firm miscertifying substantial volumes of crude oil. As a result, the DOE determined that Dorchester should be required to disgorge the excessive benefits that it received.

*Hudson Oil Co., Inc., Hudson Refining Co., Inc., 3/15/85, HRO-0043*

Hudson Oil Co., Inc. (Hudson Oil) objected to a Proposed Remedial Order (PRO) which the Economic Regulatory Administration (ERA) issued to the firm on March 23, 1982, and which was amended by the Office of Hearings and Appeals (OHA) on May 6, 1983. In the PRO the ERA found that Hudson Oil violated the DOE refiner price regulations by including its previously acquired retailer bank of unrecouped increased product costs in calculating its prices as a refiner. Hudson Oil argued that the Acquired Entity Rule permitted the use of the firm's retailer bank after its refinery acquisition.

In response to the OHA's August 27, 1984 Decision joining Hudson Refining Co., Inc. (Hudson Refining) as a respondent to the PRO, Hudson Oil contested its inclusion in the PRO proceeding on the ground that Hudson Refining was the sole proper respondent to the PRO. Hudson Refining contended that as a bankrupt entity it could not be held liable for previous violations that it, or its parent, may have committed.

In considering the firms' Statements of Objections, the DOE found that absent exception relief a firm could not use a bank acquired under one set of regulations when calculating prices under a different set of regulations. The DOE also found that the overcharge amount should be reduced to reflect the ERA's prosecutorial discretion in applying 10 CFR 212.83(g) to offset overrecoveries with subsequent underrecoveries. The DOE determinined, however, that overrecoveries could only be carried forward for one month, and not throughout the entire controlled period as Hudson Oil claimed. In addition, the DOE found that the amount of the retailer bank at issue that ERA had excluded from the firms' costs was improperly calculated and that, as a result, the amount of overcharges alleged in the PRO was overstated.

With respect to the liability issue, the DOE found that a firm is not relieved of liability in a PRO proceeding by entering bankruptcy, and also found that both firms had a demonstrated involvement in the overcharges. The DOE therefore concluded that Hudson Oil and Hudson Refining were properly joined as parties in the PRO proceeding. Accordingly, the Doe determined that the PRO should be issued as a final Remedial Order which certain modifications pertaining to the overcharge calculations and method of restitution.

### Request for Exception

*Ball Tire & Gas, Inc., 3/11/85, HEE-0109*

*Ball Tire & Gas, Inc.* filed an Application for Exception in which the firm sought to be relieved from the requirement to file Form EIA-782B, "Reseller/Retailers' Monthly Petroleum Product Sales Report." In considering the request. The DOE found that the firm would not suffer an inordinate burden in fulfilling its reporting requirement. Accordingly, exception relief was denied.

*Commonwealth Oil Refining Co., Inc., 3/12/85, DEE-1022*

Commonwealth Oil Refining Co., Inc. (Corco) filed an Application for Exception from several provisions of the DOE Entitlements Program. In the Application, Corco requested a $36 million dollar increase in the firm's entitlement sales obligation or, alternatively, that it be granted a loan or a line of credit of $36 million through the Entitlements Program. In support of its request, Corco argued that it had lost $15 million as a result of the mechanics of the Entitlements Program, which entailed a two-month lag between the month in which entitlements were earned and the month in which a firm's entitlements sales obligation was realizable. Corco also argued that it was entitled to retroactive relief equal to revenues it would have received had the naphtha entitlements program (*see* 10 CFR 211.67(d)(5)) been made retroactive to January 1977. Furthermore, Corco claimed that it was adversely affected by the following provisions: (a) 10 CFR 211.67(d)(4), which reduced the volume of a refiner's crude oil runs to stills attributable to the production of residual fuel oil sold in the East Coast market, (b) DOE regulations (39 FR 17764 (May 20, 1974)] requiring that resellers affiliated with major oil companies compute

the passthrough of their increased product costs on a nationwide basis, and (c) 10 CFR 211.67(d)(5)(ii), which did not permit Puerto Rican refiners to include in their runs to stills volumes of imported naphtha used to produce petrochemicals for export.

In considering the request, the DOE determined that Corco had failed to identify any specific DOE regulation that had caused the firm to experience economic hardship or which uniquely and adversely affected the firm. In particular, the DOE determined that Corco was not competitively disadvantaged compared to mainland petrochemical producers by the provisions of 10 CFR 211.67(d)(5)(ii). Accordingly, Corco's request for exception relief was denied in its entirety.

**Motions for Discovery**

*Gulf Oil Corporation; Economic Regulatory Administration, 3/11/85, BRH-0211, BRD-0211, BRD-0072, HRZ-0228*

The Gulf Oil Corporation filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order issued to the firm by the Economic Regulatory Administration on November 3, 1979. In that Motion, Gulf sought to compel the ERA to answer numerous interrogatories and release documents that were identified in those interrogatories. Discovery was denied because many of the interrogatories had already been answered by the ERA or were moot, and because the firm did not adequately support its requests for contemporaneous construction discovery or administrative record discovery. Gulf's request for evidentiary hearing was denied because the firm did not specify any genuine issue that could be resolved by an evidentiary hearing. ERA filed a Motion for Discovery in which it sought information concerning Gulf's passthrough costs at refiner-operated retail stations. That Motion was unopposed by Gulf and was granted. ERA also filed a Motion to Amend in which it sought to change the violation period alleged in the PRO, and, correspondingly, the period for which information was sought in its discovery motion. If granted, the alleged violation period would have been September 1, 1974 through December 1980. The motion was granted in part and the violation period of the PRO and the period for which discovery was sought was amended to be September 1, 1974 through November 1, 1980.

*Lone Star Oil & Chemical Co., Michael A. McAlister, 3/11/85, HRD-0185, HRH-0185*

On October 11, 1984, Lone Star Oil and Chemical Company and Michael A. McAlister (referred to collectively as Lone Star) submitted a Motion for Discovery and a Motion for Evidentiary Hearing in connection with a Proposed Remedial Order which was issued to the firm. The Motion for Discovery included requests for the production of documents, for answers to interrogatories, and for taking of the deposition of the DOE auditor primarily responsible for the PRO. Assuming the granting of discovery, the Motion for Evidentiary Hearing sought to introduce testimony relevant to disputed issues and to present the testimony of DOE employees regarding the contemporaneous constructions of the layering regulation.

The DOE concluded that both Lone Star's Motion for Discovery and its Motion for Evidentiary Hearing should be denied. However, the DOE afforded Lone Star the opportunity to submit written evidence, to the extent that such evidence relates to the factual issue of the functions and services provided by Lone Star in the transactions at issue in the PRO.

This Decision and Order discussed the general unwillingness on the part of the Office of Hearings and Appeals (OHA) to grant discovery relating to legal rather than factual issues or disputes and its general unwillingness to grant administrative record and contemporaneous construction discovery unless the regulatory language at issue is extraordinarily confused. It further reiterated OHA's finding that there is no such confusion and ambiguity surrounding the layering rule.

**Supplemental Order**

*Young Refining Corporation, 3/12/85, BYX-0198*

The DOE in this Decision and Order reviewed exception relief that Young Refining Corporation received under the DOE Crude Oil Entitlements Program for the period April 1980 through January 1981. The DOE determined that Young received excessive exception relief of $2,936,491 for that period. The DOE also summarized outstanding entitlements exception orders issued toYoung, and determined as Young's final position under the Entitlements Program that the firm has a net entitlements purchase obligation of $3,714,044. The DOE ordered that this net obligation be satisfied in accordance with the policies enunciated by the DOE in its January 9, 1985 Notice.

**Implementation of Special Refund Procedures**

*Bayou State Oil Corporation, 3/11/85, HEF-0202*

The DOE issued a Decision and Order setting for the procedures to be used in filing applications for refund with respect to the settlement funds obtained under a consent order with Bayou State Oil Corporation and Ida Gasoline, Inc. The funds plus accrued interest should be available to customers who purchased covered petroleum products from Bayou State or Ida during the period September 1973 to December 1977. As of January 31, 1985, the settlement funds plus accrued interest totalled $1,279,600. Specific information to be included in refund applications is discussed in the decision.

*Moore Terminal & Barge Co., Ltd., Point Landing, Inc., 3/15/85, HEF-0132, HEF-0152*

The DOE issued a Decision and Order implementing a plan for the distribution of $50,000 and $100,000 received as a result of two consent orders which the DOE entered into with Moore Terminal & Barge Co., Ltd., and Point Landing, Inc., plus interest that has accrued on those amounts. The Moore consent order was entered into on August 29, 1977. The DOE determined that a portion of the Moore settlement fund should be distributed to two customers who purchased petroleum products from Moore during the October 1, 1973 through September 30, 1974 consent order period. The Point Landing consent was entered into September 9, 1980. The DOE determined that a portion of the Point Landing settlement fund should be distrubited to 26 customers who purchased petroleum products from Point Landing during the October 1, 1973 through November 30, 1974 consent order period. In both cases, the customers were identified by DOE audits, and will be alloted refunds (after each files an application for refund) based on presumptions of injury which have been employed in prior, similar proceedings. Applications for refunds filed by other firms will also be considered. Any such claims will, of course, be analyzed and, if necessary, refunds to identified purchasers will be adjusted to accommodate successful applicants.

*National Helium Corporation, 3/13/85, HQF-0501*

The DOE issued a Decision and Order providing for the second stage disbursement of $8,037,946 in consent order funds made available by National Helium Corporation (NHC) in order to settle DOE-alleged overcharges in the firm's sales of natural gas liquid products (NGLPs). The DOE pointed out that Atlantic Richfield Company (ARCO) was the sole purchaser of the NHC NGLPs and that since NGLPs are used in the petroleum refining process, increased costs of the NHC products as a result of the alleged overcharges were probably incorporated into ARCO's prices for motor gasoline. The DOE therefore examined data setting forth the distribution of ARCO's motor gasoline sales throughout the United States in order to ascertain in what areas of the country consumers were most affected by ARCO purchases of NHC NGLPs. The DOE found that ARCO sales of motor gasoline were largely regional in nature, because the firm sold that product in only a limited number of states. The DOE determined that the remaining consent order funds should therefore be channeled to the governments of the states in which ARCO sold motor gasoline, because the citizens of those states would have experienced the effects of the NHC pricing practices. The DOE decided that the funds should be apportioned among those jurisdictions based on the proportion of ARCO product consumed The DOE further provided that upon submission of an appropriate plan by an eligible jurisdiction, the proportionate share of the NHC fund would be disbursed.

**Refund Applications**

*Houston Natural Gas Corporation/Enterprise Products Company, 3/15/85, RF53-0005*

Enterprise Products Company filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into by the agency and Houston Natural Gas Corporation (HNG). Using a three-part competitive disadvantage methodology, the

DOE determined that Enterprise had suffered significantly harm as a result of its purchases from HNG. Accordingly, the DOE granted HNG a refund equal to its allocable share of the consent order fund, $24,730, plus accrued interest of $9,540.

*Palo Pinto Oil & Gas/Mississippi, et al., 3/15/85, RQ5-166*

The DOE issued a Decision and Order concerning the second-stage refunds already disbursed to 23 states in the Palo Pinto Oil & Gas proceeding. In the Decision, the DOE recalculated the amount of interest accruing to each state based on an alternative methodology, and directed the disbursement of those additional funds to the eligible states. The amount of accrued interest refunded pursuant to this Decision totalled $28,157.

*Standard Oil Company (Indiana)/ Glenn J. Gibson, 3/11/85, RF21-12385*

The DOE issued a Decision concerning duplicate refunds applied for and received by Glenn J. Gibson, a retailer of Amoco motor gasoline. A computer check of refund applications revealed that Gibson received two refunds when he was entitled to only one. The DOE determined that Gibson must return one refund as well as accrued interest, and also must submit a written explanation of why he had applied twice, and had not notified the DOE of the error.

*Standard Oil Company (Indiana)/Gulf Oil Corporation, 3/14/85, RF21-11039*

Gulf Oil Corporation filed an Application for Refund in connection with its purchases of Amoco motor gasoline, which it resold at the wholesale level.In considering the Application, the DOE found that Gulf made spot purchases of Amoco motor gasoline during the consent order period and that Gulf had failed to rebut the presumption that spot purchasers suffer no economic injury. Accordingly, the DOE concluded that Gulf was not entitled to a portion of the Amoco consent order funds and denied the firm's refund application.

*Standard Oil Company (Indiana)/Gulf Oil Corporation, 3/11/85, RF21-11040*

The DOE issued a Decision and Order concerning an Application for Refund filed by a reseller of natural gas liquid products, Gulf Oil Corporation, in connection with the Standard Oil Company (Indiana) (Amoco) refund proceeding. The DOE found that Gulf experienced a competitive disadvantage as a result of is purchases of propane, butane and natural gasoline from Amoco. The DOE concluded therefore tht the firm should receive its full allocable share ($14,170) of the consent order funds based on the volumetric approach. The refund granted in this proceeding totalled $24,463 ($14,170 principal plus $10,293 interest).

**Dismissals**

The following submission was dismissed:

*Name and Case No.*

J.R. Adams Oil Company, HRO-0253

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercial published loose leaf reporter system.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

April 5, 1985.

[FR Doc. 85-9418 Filed 4-17-85; 8:45 am]

BILLING CODE 6450-01-M

## Cases Filed; Week of March 8 Through March 15, 1985

During the Week of March 8 through March 15, 1985, the applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE Procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

April 11, 1985.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Mar. 8 through Mar. 15, 1985]

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Feb. 26, 1985 | Gordon K. Walz, John Woolsey, Milton Walz and Corum Energy Corp., Houston, TX | HRO-0275 | Motion for discovery. If granted: Discovery would be granted to Gordon K. Walz, John Woolsey, Milton Walz, and Corum Energy Corporation from Revere Petroleum Corporation and Richard E. Dobyns of materials concerning an alleged partnership as well as materials concerning the transactions described in the Proposed Remedial Order (Case No. HRO-0125). |
| Mar. 7, 1985 | Revere Petroleum Corp., and Richard E. Dobyns | HRS-0047 | Request for stay. If granted: Revere Petroleum Corporation would receive a stay of its obligation to file its Statement of Objections to a Proposed Remedial Order (Case No. HRO-0125) pending resolution by the Department of Justice of possible criminal violations. |
| Mar. 8, 1985 | Tampimex Oil International, Ltd., Washington, DC | HRD-0274 | Motion for discovery. If granted: Discovery would be granted to Tampimex Oil International, Ltd. in connection with the firm's Statement of Objections to the Proposed Remedial Order issued to it (Case No. HRO-0264). |
| Mar. 11, 1985 | GCO Minerals Co., Washington, DC | HEF-0570 | Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the October 22, 1984 Consent Order entered into with GCO Minerals Company. |
| Do | Oneok, Inc., Washington, DC | HEF-0571 | Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the September 4, 1984 Consent Order entered into with Oneok, Inc. |
| Do | Pyro Energy Corp., Washington, DC | HEF-0569 | Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the October 13, 1983 Consent Order entered into with Pyro Energy Corporation. |
| Do | Topeka Gas & Fuel, Inc., Topeka, KS | HEE-0128 | Exception to the reporting requirements. If granted: Topeka Gas & Fuel, Inc. would not be required to file Form EIA-782B "Reseller/Retailers' Monthly Petroleum Product Sales Report." |
| Mar. 12, 1985 | Ryno Oil, Wood, SD | HEE-0129 | Exception to the reporting requirements. If granted: Ryno Oil would not be required to file Form EIA-782B "Reseller/Retailers' Monthly Petroleum Product Sales Report" and Form EIA-821 "Annual Sales of Fuel Oil and Kerosene Report." |

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Mar. 8 through Mar. 15, 1985]

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Mar. 14, 1985 | Rollins Truck Leasing, Wilmington, DE | HEE-0130 | Exception to the reporting requirements. If granted: Rollins Truck Leasing would not be required to file Form EIA-782B "Reseller/Retailers' Monthly Petroleum Product Sales Report." |
| Mar. 15, 1985 | Cranston Oil Service Co., Newport, RI | HRX-0116 | Supplemental order. If granted: Pursuant to the May 19, 1981 Decision and Order (Case No. BEX-0209) the trustee of the Cranston Oil Service Company escrow account would be directed to remit monies to the DOE for disbursement under Subpart V. |
| Do | Jade Petroleum Co., Branson, MO | HEE-0131 | Exception to the reporting requirements. If granted: Jade Petroleum Company would not be required to file Form EIA-782B "Reseller/Retailers' Monthly Petroleum Product Sales Report." |

REFUND APPLICATIONS RECEIVED

[Week of Mar. 8 through Mar. 15, 1985]

| Date | Name of refund proceeding/ name of refund applicant | Case No. |
|---|---|---|
| 03/11/85 | Waller/Department of Navy | RF78-6 |
| 03/11/85 | Union Texas Petroleum/ Lowrey Tims Co. | RF109-1 |
| 03/11/85 | Amoco/Schneider Oil Co. | RF21-12388 |
| 03/11/85 | MAPCO/Delta Propane Co., Inc. | RF108-3 |
| 03/11/85 | MAPCO/Small's LP Gas Co. | RF108-4 |
| 03/11/85 | MAPCO/Farmland Industries, Inc. | RF108-5 |
| 03/11/85 | U.S. Oil/Gramco, Ltd. | RF110-1 |
| 03/12/85 | Hertz/Harcourt Brace Jovanovich. | RF76-105 |
| 03/13/85 | Wallace & Wallace/Al Jones Oil. | RF69-2 |
| 03/13/85 | Van Gas/Lawrence P. Soares, Jr. | RF68-20 |
| 03/13/85 | Amoco/Robert Kristensen | RF21-12389 |
| 03/14/85 | Van Gas/Herman Wagenleitner. | RF68-21 |
| 03/14/85 | Hertz/Dow Chemical, USA | RF76/106 |
| 03/14/85 | Aztex/Kenneth L. Nipper | RF73-12 |
| 03/14/85 | Seminole/Waverly Minerals | RF111-1 |
| 03/15/85 | APCO/Kelly Gasoline Co. | RF83-6 |
| 03/11/85 through 03/15/85. | Gulf Refund Applications | RF40-1819 through RF40-1893 |

[FR Doc. 85-9415 Filed 4-17-85; 8:45 am]

BILLING CODE 6450-01-M

## Objection to Proposed Remedial Orders Filed; Period of February 18 Through March 22, 1985

During the period of February 18 through March 22, 1985, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

April 5, 1985.

*Shell Oil Co., Huston, TX; HRO-0271, Crude oil*

On March 20, 1985, Shell Oil Company, P.O. Box 576, Houston Texas 77001 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on November 8, 1984. In the PRO, the ERA found that during September 1, 1973, through May 31, 1979, Shell's prices in first sales of crude oil which it produed and sold in the United States were in exess of the lawful ceiling prices as provided in the DOE's regulations. According to the PRO the violation resulted in $190,559,081.84 of overcharges.

*Texaco, Inc., White Plains, NY; HRO-0272, refined products*

On March 20, 1985, Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, the ERA found that during August 19, 1973 through January 28, 1981, Texaco calculated and used excessive May 15, 1973 prices in computing its maximum lawful selling prices with respect to sales of motor gasoline, middle distillates, kerosene, and other covered products to identified and unidentified customers which had purchased those products from Texaco's Atlanta, Houston and Low Angeles sales regions and from its Paragon Oil Division on or before May 15, 1973 pursuant to written variable priced contracts. According to the PRO, one of three restitutionary methodologies should be adopted.

*Texaco, Inc., White Plains, NY; HRO-0273, motor gasoline, middle distillates*

On March 20, 1985, Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, the ERA found that during August 19, 1973 through January 28, 1981, Texaco calculated and applied excessive May 15, 1973 prices in computing maximum lawful selling prices with respect to its sales of motor gasoline and middle distillates from Texaco's Atlanta, Houston and Los Angeles sales regions to identified and unidentified consumers, retailers, and distributors which had pruchased such products on or before May 15, 1973, pursuant to written contracts. According to the PRO, One of three restitutionary methodologies should be adopted.

*Texaco, Inc., White Plains, NY; HRO-0274, middle distillates kerosene*

On March 20, 1985, Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, the ERA found that during September 1973 through June 1976, Texaco calculated and used excessive May 15, 1973 selling prices in computing its maximum lawful selling prices with respect to its sales of middle distillates and kerosene to identified wholesale customers in Philadelphia. According to the PRO, one of three restitutionary measures should be adopted.

*Texaco, Inc., White Plains, NY; HRO-0275, propane*

On March 20, 1985, Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, the ERA found that during August 1973 through December 1980, Texaco calculated and used excessive May 15, 1973 prices in computing its maximum lawful selling prices with respect to its sales of propane to identified and unidentified customers which purchased propane before May 15, 1973 pursuant to written variable priced contracts. According to the PRO, one of three restitutionary methodologies should be adopted.

*Texaco, Inc., White Plains, NY; HRO-0276, propane*

On March 20, 1985, Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, the ERA found that during November 1, 1973 through December 1980, Texaco calculated and used excessive May 15, 1973 prices in computing

its maximum lawful selling prices with respect to its sales of propane to Dow Chemical Company and Enterprise Products Company. According to the PRO, one of three restitutionary methodologies should be adopted.

[FR Doc. 85-9414 Filed 4-17-85; 8:45 am]
BILLING CODE 6450-01-M

## Southwestern Power Administration

### Proposed New Rate Schedule P-4B and Opportunity for Public Review and Comment

**AGENCY:** Southwestern Power Administration, DOE.

**ACTION:** Notice of proposed new Rate Schedule P-4B for power and energy sold to certain SWPA customers which desire to change their service arrangements and opportunity for public review and comment.

**SUMMARY:** The Administrator, Southwestern Power Administration (SWPA), has determined that a new Rate Schedule P-4B is required for certain SWPA customers which desire a change from their present firm service arrangements with load center delivery from SWPA under Rate Schedule F-4B and pursuant to contractual arrangements between SWPA and the Public Service Company of Oklahoma (PSO) and Oklahoma Gas and Electric Company (OG&E). These SWPA customers now desire peaking service arrangements with load center delivery from SWPA pursuant to other contractual arrangements between SWPA, PSO, OG&E, and/or the Oklahoma Municipal Power Authority (OMPA). The proposed Rate Schedule P-4B will have the same rates and terms for load center deliveries as the existing Rate Schedule F-4B, but will recognize the peaking service arrangements between SWPA and the affected SWPA customers, which provide for direct purchase by the affected SWPA customers of non-federally generated energy from PSO, OG&E, and/or OMPA. Since the same rates that apply under Rate Schedule F-4B (except for revenues and expenses associated with non-federally generated energy) will also apply under the proposed rate schedule, the net repayment results of the 1983 Power Repayment Study (the basis for present rate levels) will not be altered. However, the amount that SWPA must budget and receive Congressional appropriations for purchased power each year will be reduced, thereby reducing the overall annual Federal Budget. An opportunity is presented for interested parties to submit written comments on the proposed rate schedule. Following review of written comments, the Administrator will submit the proposed rate schedule to the Deputy Secretary of Energy for confirmation, approval, and placement in effect on an interim basis and also submit it to the Federal Energy Regulatory Commission (FERC) for confirmation and approval on a final basis.

**DATES:** Written Comments on the proposed Rate Schedule P-4B are due on or before May 3, 1985.

**FOR FURTHER INFORMATION CONTACT:** Francis R. Gajan, director, Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101, (918)581-7529.

**SUPPLEMENTARY INFORMATION:** SWPA's proposed new Rate Schedule P-4B is merely a modified version of the existing Rate Schedule F-4B to recognize the change in service arrangements desired by a certain group of SWPA customers now served through PSO and OG&E under Rate Schedule F-4B. The implementation of the proposed Rate Schedule P-4B will not affect the rate levels under other SWPA rate schedules and will produce a rate level which will be identical to that for service under either Rate Schedule F-4B with elimination of the purchase cost pass-through element, or Rate Schedule P-4 with load center delivery. Furthermore, participation in the new service arrangements and, hence, the proposed Rate Schedule P-4B, is purely voluntary. The Administrator has, therefore, determined that written comments will provide adequate opportunity for public participation in the development of the proposed rate schedule and that a shortened comment period is reasonable. Consequently, written comments are due on or before fifteen (15) days following publication of the notice in the **Federal Register.**

Ten copies of written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101. Following review of the written comments, the Administrator will develop the proposed rate schedule which will be submitted to the Deputy Secretary of Energy for approval on an interim basis and to FERC for approval on a final basis.

Issued in Tulsa, Oklahoma, April 9, 1985.

**Ronald H. Wilkerson,**

*Administrator, Southwestern Power Administration.*

[FR Doc. 85-9419 Filed 4-17-85; 8:45 am]
BILLING CODE 6450-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## NUCLEAR REGULATORY COMMISSION

### Memorandum of Understanding Between Federal Emergency Management Agency and Nuclear Regulatory Commission

The Federal Emergency Management Agency (FEMA) and the Nuclear Regulatory Commission (NRC) have entered into a new Memorandum of Understanding (MOU) Relating To Radiological Emergency Planning and Preparedness. This supersedes a memorandum entered into November 4, 1980 (Published December 16, 1980, 45 FR 82713). The substantive changes in the new MOU deal principally with the FEMA handling of NRC requests for findings and determinations concerning offsite planning and preparedness. The basis and conditions for interim findings in support of licensing are defined, as well as provisions for status reports when plans are not complete. The text of the MOU is set out below except that an attachment is not included. This attachment concerns membership on a steering committee.

**Memorandum of Understanding Between NRC and FEMA Relating to Radiological Emergency Planning and Preparedness**

*I. Background and Purpose*

This memorandum of Understanding (MOU) establishes a framework of cooperation between the Federal Emergency Management Agency (FEMA) and the U.S. Nuclear Regulatory Commission (NRC) in radiological emergency response planning matters, so that their mutual efforts will be directed toward more effective plans and related preparedness measures at and in the vicinity of nuclear reactors and fuel cycle facilities which are subject to 10 CFR Part 50, Appendix E, and certain other fuel cycle and materials licensees which have potential for significant accidental offsite radiological releases. The memorandum is responsive to the President's decision of December 7, 1979, that FEMA will take the lead in offsite planning and response, his request that NRC assist FEMA in carrying out this role, and the NRC's continuing statutory responsibility for the radiological health and safety of the public.

On January 14, 1980, the two agencies entered into a "Memorandum of Understanding Between NRC and FEMA to Accomplish a Prompt Improvement in

Radiological Emergency Preparedness" that was responsive to the President's December 7, 1979, statement. A revised and updated memorandum of understanding became effective November 1, 1980. This MOU is a further revision to reflect the evolving relationship between NRC and FEMA and the experience gained in carrying out the provisions of the January and November 1980 MOU's. This MOU supersedes these two earlier versions of the MOU.

The general principles, agreed to in the previous MOU's and reaffirmed in this MOU, are as follows: FEMA coordinates all Federal planning for the offsite impact of radiological emergencies and takes the lead for assessing offsite radiological emergency response plans [1] and preparedness, makes findings and determinations as to the adequacy and capability of implementing offsite plans, and communicates those findings and determinations to the NRC. The NRC reviews those FEMA findings and determinations in conjunction with the NRC onsite findings for the purpose of making determinations on the overall state of emergency preparedness. These overall findings and determinations are used by NRC to make radiological health and safety decisions in the issuance of licenses and the continued operation of licensed plants to include taking enforcement actions as notices of violations, civil penalties, orders, or shutdown of operating reactors. This delineation of responsibilities avoids duplicative efforts by the NRC staff in offsite preparedness matters.

A separate MOU dated October 22, 1980, deals with NRC/FEMA cooperation and responsibilities in response to an actual or potential radiological emergency. Operations Response Procedures have been developed that implement the provisions of the Incident Response MOU. These documents are intended to be consistent with the Federal Radiological Emergency Response Plan which describes the relationships, role, and responsibilities of Federal agencies for responding to accidents involving peacetime nucelar emergencies.

*II. Authorities and Responsibilities*

*FEMA*—Executive Order 12148 charges the Director, FEMA, with the responsibility to ". . . establish Federal policies for, and coordinate, all civil defense and civil emergency planning, management, mitigation, and assistance functions of Executive agencies" (Section 2–101) and ". . . represent the President in working with State and local governments and the private sector to stimulate vigorous participation in civil emergency preparedness, mitigation, response, and recovery programs." (Section 2–104.)

On December 7, 1979, the President, in response to the recommendations of the Kemeny Commission on the Accident at Three Mile Island, directed that FEMA assume lead responsibility for all offsite nuclear emergency planning and response.

Specifically, the FEMA responsibilities with respect to radiological emergency preparedness as they relate to NRC are:

1. To take the lead in offsite emergency planning and to review and assess offsite emergency plans and preparedness for adequacy.

2. To make findings and determinations as to whether offsite emergency plans are adequate and can be implemented (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and qualifications, and eq uipment adequacy). Notwithstanding the procedures which are set forth in 44 CFR 350 for requesting and reaching a FEMA administrative approval of State and local plans, findings, and determinations on the current status of emergency planning and preparedness around particular sites, referred to as interim findings, will be provided by FEMA for use as needed in the NRC licensing process. Such findings will be provided by FEMA on mutually agreed to schedules or on specific NRC request. The request and findings will normally be by written communications between the co-chairs of the NRC/FEMA Steering Committee. An interim finding provided under this arrangement will be an extension of FEMA's procedures for review and approval of offsite radiological emergency plans and preparedness set forth in 44 CFR 350. It will be based on the review of currently available plans and, if appropriate, joint exercise results related to a specific nuclear power plant site.

An interim finding based only on the review of currently available offsite plans will include an assessment as to whether these plans are adequate when measured against the standards and criteria of NUREG–0654/FEMA–REP–1, and, pending a demonstration through an exercise, whether there is reasonable assurance that the plans can be implemented. The finding will indicate one of the following conditions: (1) Plans are adequate and there is reasonable assurance that they can be implemented with only limited or no corrections needed; (2) plans are adequate, but before a determination can be made as to whether they can be implemented, corrections must be made to the plans or supporting measures must be demonstrated (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and qualifications, and equipment adequacy); or (3) plans are adequate and cannot be implemented until they are revised to correct deficiencies noted in the Federal review.

If in FEMA's view the plans that are available are not completed or are not ready for review, FEMA will provide NRC with a status report delineating milestones for preparation of the plan by the offsite authorities as well as FEMA's actions to assist in timely development and review of the plans.

An interim finding on preparedness will be based on review of currently available plans and joint exercise results and will include an assessment as to (1) whether offsite emergency plans are adequate as measured against the standards and criteria of NUREG–0654/FEMA–REP–1, and (2) whether the exercise(s) demonstrated that there is reasonable assurance that the plans can be implemented.

An interim finding on preparedness will indicate one of the following conditions: (1) There is reasonable assurance that the plans are adequate and can be implemented as demonstrated in an exercise; (2) there are deficiencies that may adversely affect public health and safety that must be corrected in order to provide reasonable assurance that the plans can be implemented; or (3) FEMA is undecided and will provide a schedule of actions leading to a decision.

3. To assume responsibility, as a supplement to State, local, and utility efforts, for radiological emergency preparedness training of State and local officials.

4. To develop and issue an updated series of interagency assignments which delineate respective agency capabilities and responsibilities and define procedures for coordination and direction for emergency planning and response. [Current assignments are in 44 CFR 351, March 11, 1982. (47 FR 10758)].

*NRC*—The Atomic Energy Act of 1954, as amended, requires that the NRC grant licenses only if the health and safety of the public is adequately protected. While the Atomic Energy Act does not

[1] Assessments of offsite plans may be based on State and local government plans submitted to FEMA under its rule (44 CFR Part 350), and as noted in 44 CFR 350.3(f), may also be based on plans currently available to FEMA or furnished to FEMA through the NRC/FEMA Steering Committee.

specifically require emergency plans and related preparedness measures, the NRC requires consideration of overall emergency preparedness as a part of the licensing process. The NRC rules (10 CFR 50.33, 50.34, 50.47, 50.54, and Appendix E to 10 CFR Part 50) include requirements for the licensee's emergency plans.

Specifically, the NRC responsibilities for radiological emergency preparedness are:

1. To assess licensee emergency plans for adequacy. This review will include organizations with whom licensees have written agreements to provide onsite support services under emergency conditions.

To verify that licensee emergency plans are adequately implemented (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and qualifications, and equipment).

3. To review the FEMA findings and determinations as to whether offsite plans are adequate and can be implemented.

4. To make radiological health and safety decisions with regard to the overall state of emergency preparedness (i.e., integration of emergency preparedness onsite as determined by the NRC and offsite as determined by FEMA and reviewed by NRC) such as assurance for continued operation, for issuance of operating licenses, or for taking enforcement actions, such as notices of violations, civil penalties, orders, or shutdown of operating reactors.

*III. Areas of Cooperation*

A. *NRC Licensing Reviews.* FEMA will provide support to the NRC for licensing reviews related to reactors, fuel facilities, and materials licensees with regard to the assessment of the adequacy of offsite radiological emergency response plans and preparedness. This will include timely submittal of an evaluation suitable for inclusion in NRC safety evaluation reports.

Substantially prior to the time that a FEMA evaluation is required with regard to fuel facility or materials license review, NRC will identify those fuel and materials licensees with potential for significant accidental offsite radiological releases and transmit a request for review to FEMA as the emergency plans are completed.

FEMA routine support will include providing assessments, findings and determinations (interim and final) on offsite plans and preparedness related to reactor license reviews. To support its findings and determinations, FEMA will make expert witnesses available before the Commission, the NRC Advisory Committee on Reactor Safeguards, NRC hearing boards and administrative law judges, for any court actions, and during any related discovery proceedings.

FEMA will appear in NRC licensing proceedings as part of the presentation of the NRC staff. FEMA counsel will normally present FEMA witnesses and be permitted, at the discretion of the NRC licensing board, to cross-examine the witnesses of parties, other than the NRC witnesses, on matters involving FEMA findings and determinations, policies, or operations; however, FEMA will not be asked to testify on status reports. FEMA is not a party to NRC proceedings and, therefore, is not subject to formal discovery requirements placed upon parties to NRC proceedings. Consistent with available resources, however, FEMA will respond informally to discovery requests by parties. Specific assignment of professional responsibilities between NRC and FEMA counsel will be primarily the responsibility of the attorneys assigned to a particular case. In situations where questions of professional responsibility cannot be resolved by the attorneys assigned, resolution of any differences will be made by the General Counsel of FEMA and the Executive Legal Director of the NRC or their designees. NRC will request the presiding Board to place FEMA on the service list for all litigation in which it is expected to participate.

Nothing in this document shall be construed in any way to diminish NRC's responsibility for protecting the radiological health and safety of the public.

B. *FEMA Review of Offsite Plans and Preparedness.* NRC will assist in the development and review of offsite plans and preparedness through its membership on the Regional Assistance Committees (RAC). FEMA will chair the Regional Assistance Committees. Consistent with NRC's statutory responsibility, NRC will recognize FEMA as the interface with State and local governments for interpreting offsite radiological emergency planning and preparedness criteria as they affect those governments and for reporting to those governments the results of any evaluation of their radiological emergency plans and preparedness.

Where questions arise concerning the interpretation of the criteria, such questions will continue to be referred to FEMA Headquarters, and when appropriate, to the NRC/FEMA Steering Committee to assure uniform interpretation.

C. *Preparation for and Evaluation of Joint Exercises.* FEMA and NRC will cooperate in determining exercise requirements for licensees, State and local governments. They will also jointly observe and evaluate exercises. NRC and FEMA will institute procedures to enhance the review of the objectives and scenarios for joint exercises. This review is to assure that both the onsite considerations of NRC and the offsite considerations of FEMA are adequately addressed and integrated in a manner that will provide for a technically sound exercise upon which an assessment of preparedness capabilities can be based. The NRC/FEMA procedures will provide for the availability of exercise objectives and scenarios sufficiently in advance of sheduled exercises to allow enough time for adequate review by NRC and FEMA and correction of any deficiencies by the licensee. The failure of a licensee to develop a scenario that adequately addresses both onsite and offsite considerations may result in NRC taking enforcement actions.

The FEMA reports will be a part of an interim finding on emergency preparedness; or will be the result of an exercise conducted pursuant to FEMA's review and approval procedures under 44 CFR Part 350. Exercise evaluations will identify one of the following conditions: (1) There is reasonable assurance that the plans are adequate and can be implemented as demonstrated in the exercise; (2) there are deficiencies that may adversely impact public health and safety that must be corrected by the affected State and local governments in order to provide reasonable assurance that the plan can be implemented; or (3) FEMA is undecided and will provide a schedule of actions leading to a decision. Within 30 days of the exercise, a draft exercise report will be sent to the State, with a copy to the Regional Assistance Committee, requesting comments and a schedule of corrective actions, as appropriate, from the State in 30 days. Where there are deficiencies of the types noted in 2 above, and when there is a potential for a remedial exercise, FEMA Headquarters will promptly discuss these with NRC Headquarters. Within 90 days of the exercise, the FEMA report will be forwarded to the NRC Headquarters. Within 15 days of receipt of the FEMA report, NRC will notify FEMA in writing of action taken with the licensee relative to FEMA initiatives with State and local governments to correct deficiencies identified in the exercise.

D. *Emergency Planning and Preparedness Guidance.* NRC has lead

responsibility for the development of emergency planning and preparedness guidance for licensees. FEMA has lead responsibility for the development of radiological emergency planning and preparedness guidance for State and local agencies. NRC and FEMA recognize the need for an integrated, coordinated approach to radiological emergency planning and preparedness by NRC licensees and State and local governments. NRC and FEMA will each, therefore, provide opportunity for the other agency to review and comment on such guidance (including interpretations of agreed joint guidance) prior to adoption as formal agency guidance.

E. *Support for Document Management System.* FEMA and NRC will each provide the other with continued access to those automatic data processing support systems which contain relevant emergency preparedness data.

At NRC, this includes Document Management System support to the extent that it does not affect duplication or records retention. At FEMA, this includes technical support to the Radiological Emergency Preparedness Management Information System. This agreement is not intended to include the automated information retrieval support for the national level emergency response facilities.

F. *Ongoing NRC Research and Development Programs.* Ongoing NRC and FEMA research and development programs that are related to State and local radiological emergency planning and preparedness will be coordinated. NRC and FEMA will each provide opportunity for the other agency to review and comment on relevant research and development programs prior to implementing them.

G. *Public Information and Education Programs.* DEMA will take the lead in developing public information and education programs. NRC will assist FEMA by reviewing for accuracy educational materials concerning radiation and its hazards and information regarding appropriate actions to be taken by the general public in the event of an accident involving radioactive materials.

*IV. NRC/FEMA Steering Committee*

The NRC/FEMA Steering Committee on Emergency Preparedness will continue to be the focal point for coordination of emergency planning, preparedness, and response activities between the two agencies. The Steering Committee will consist of an equal number of members to represent each agency with one vote per agency. When the Steering Committee cannot agree on the resolution of an issue, the issue will be referred to NRC and FEMA management. The NRC members will have lead responsibility for licensee planning and preparedness and the FEMA members will have lead responsibility for offsite planning and preparedness. The Steering Committee will assure coordination of plans and preparedness evaluation activities and revise, as necessary, acceptance criteria for licensee, State, and local radiological emergency planning and preparedness. NRC and FEMA will then consider and adopt criteria, as appropriate, in their respective jurisdictions. (See Attachment 1.)

*V. Working Arrangements*

A. The normal point of contact for implementation of the points in this MOU will be the NRC/FEMA Steering Committee.

B. The Steering Committee will establish the day-to-day procedures for assuring that the arrangements of this MOU are carried out.

*VI. Memorandum of Understanding*

A. This MOU shall be effective as of date of signature and shall continue in effect unless terminated by either party upon 30 days notice in writing.

B. Amendments or modifications to this MOU may be made upon written agreement by both parties.

Approved for the U.S. Nuclear Regulatory Commission.

Dated: April 3, 1985.

**William J. Dircks,**

*Executive Director for Operations.*

Approved for the Federal Emergency Management Agency.

Dated: April 9, 1985.

**Samuel W. Speck,**

*Associate Director, State and Local Programs and Support.*

[FR Doc. 85-9308 Filed 4-17-85; 8:45 am]

BILLING CODE 6718-01-M

## FEDERAL HOME LOAN BANK BOARD

### State Savings and Loan Association; Salt Lake City, UT; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for State Savings and Loan Association, Salt Lake City, Utah, on April 12, 1985.

Dated: April 15, 1985.

**Jeff Sconyers,**

*Secretary.*

[FR Doc. 85-9362 Filed 4-17-85; 8:45 am]

BILLING CODE 6720-01-M

## FEDERAL RESERVE SYSTEM

### Citicorp, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities; Correction

This notice corrects a previous Federal Register document (FR Doc. No. 85-6785), published at page 11561 of the issue for Firday, March 22, 1985, specifying a period for public comment concerning an application by Citicorp, New York, New York, to engage in data processing and data transmission activities. Citicorp proposes to engage in these activities world-wide. Comments on this application must be received at the Federal Reserve Bank of New York, not later than May 2, 1985.

Board of Governors of the Federal Reserve System, April 15, 1985.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 85-9317 Filed 4-17-85; 8:45 am]

BILLING CODE 6210-01-M

### Applications To Engage de Novo in Permissible Nonbanking Activities; the Marine Corp., et al.

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such

as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 8, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *The Marine Corporation,* Milwaukee, Wisconsin; to engage *de novo* through its subsidiary, The Marine Trust Company, N.A., Milwaukee, Wisconsin, in acting as investment or financial adviser to the extent of serving as an investment adviser (as defined in section 2(a)(20) of the Investment Company Act of 1940, 15 U.S.C. 80a-2(a)(20), to an investment company registered under the Act.

2. *Riverdale Bancorporation, Inc.,* Riverdale, Illinois; to engage *de novo* directly in the activity of leasing personal and real property.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Centennial Beneficial Corp.,* Orange, California; to engage *de novo* through its subsidiary, Centennial Beneficial Mortgage Company, Orange, California, in making, acquiring, and servicing loans and other extensions of credit such as would be made by a mortgage company or commercial loan company. This notice is for the expansion of the geographic scope of these previously approved activities to include the State of Arizona.

Board of Governors of the Federal Reserve System, April 12, 1985.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 85-9356 Filed 4-17-85; 8:45 am]

BILLING CODE 6210-01-M

## Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Community Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an appliction that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 10, 1985.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Community Bancshares, Inc.,* Hustonville, Kentucky; to become a bank holding company by acquiring 80 percent of the voting shares of The Peoples Bank of Hustonville, Hustonville, Kentucky.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice Presdient) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *CB&T Bancshares, Inc.,* Columbus, Georgia; to acquire 100 percent of the voting shares of Cohutta Bancshares, Inc., Chatsworth, Georgia, thereby indirectly acquiring The Cohutta Banking Company, Chatsworth, Georgia.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*Marshall & Ilsley Corporation,* Milwaukee, Wisconsin; to acquire 100 percent of the voting shares of Bay View State Bank, Milwaukee, Wisconsin.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *CB&T Capital Corporation,* Louisville, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank & Trust Company, Louisville, Mississippi.

Board of Governors of the Federal Reserve System, April 12, 1985.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 85-9355 Filed 4-17-85; 8:45 am]

BILLING CODE 6210-01-M

## FEDERAL TRADE COMMISSION

### Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

| Transaction | Waiting period terminated effective |
|---|---|
| (1) 85-0269—Imperial Chemical Industries' proposed acquisition of voting securities of Garst Seed Company. | Mar. 22, 1985. |
| (2) 85-0181—Lowe's Companies, Inc.'s proposed acquisition of assets of Boise Cascade Corporation. | Mar. 25, 1985. |
| (3) 85-0249—Donald Hoodes' proposed acquisition of assets of Jones & Lamson Division, (Textron, Inc., UPE). | Do. |
| (4) 85-0276—McDonnell Douglas Corporation's proposed acquisition of voting securities of INCO, Inc. Stock Bonus Plan and Trust an ESOP. | Do. |
| (5) 85-0206—Sonoco Products Company's proposed acquisition of voting securities of KMI Continental Fibre Drum, Inc., (Peter Kiewit Son's, Inc., UPE). | Mar. 26, 1985. |
| (6) 85-0248—Johnson Controls, Inc.'s proposed acquisition of voting securities of Hoover Universal, Inc. | Do. |
| (7) 85-0257—Merrill Lynch & Co., Inc.'s proposed acquisition of assets of Wagner, Stott & Co. | Do. |
| (8) 85-0277—Instituto Finanziario Industriale S.P.A.'s proposed acquisition of voting securities of RC Cement Company, Inc. | Do. |
| (9) 85-0281—Massachusetts Mutual Life Insurance Company's proposed acquisition of voting securities of MassMutual Mortgage and Realty Investors. | Do. |

| Transaction | Waiting period terminated effective |
|---|---|
| (10) 85-0287—The New York Times Company's, (The Ochs Trust, UPE) proposed acquisition of voting securities of three newspapers. (Public Welfare Foundation, Inc., UPE). | Do. |
| (11) 85-0256—Tenneco Inc.'s proposed acquisition of assets of Mobil Corporation. | Mar. 27, 1985. |
| (12) 85-0261—Borden, Inc.'s proposed acquisition of assets of UPE plus voting securities of Texales Limited and Crown France S.A., (Reed International, P.L.C., UPE). | Do. |
| (13) 85-0273—Zilber, Ltd., (Joseph J. Zilber, UPE)'s proposed acquisition of voting securities of Houstonian, Inc. | Do. |
| (14) 85-0296—General Mills, Inc.'s proposed acquisition of voting securities of Vroman Foods, Inc., (Robert H. Vroman, UPE). | Do. |
| (15) 85-0303—Advance Voting Trust u/t/w/t Samuel I. Newhouse's proposed acquisition of voting securities of The New Yorker Magazine, Inc. | Do. |
| (16) 85-0205—Tate & Lyle, PLC's proposed acquisition of voting securities of Colonial Sugars, Inc., (H. Taylor Morrisette, UPE). | Mar. 28, 1985. |
| (17) 85-0267—Harris Corporation's proposed acquisition of assets of Exxon Office Systems Company, (Exxon Corporation, UPE). | Do. |
| (18) 85-0285—Metal Box p.l.c.'s proposed acquisition of voting securities of Clarke Checks Inc., (Clarke Printing & Packaging Company, UPE). | Do. |
| (19) 85-0295—Paracelsus Healthcare Corporation, (Dr. med. Hartmut Krukemeyer, UPE)'s proposed acquisition of voting securities of Chico Community Hospital and Lodi Community Hospital, (National Medical Enterprises, UPE). | Do. |
| (20) 85-0311—Plastic Management Corp.'s proposed acquisition of assests of the Chemical Division of (The Sherwin-Williams Company, UPE). | Do. |
| (21) 85-0250—Dresser Industries, Inc.'s proposed acquisition of assets of McGraw-Edison Company. | Mar. 29, 1985. |
| (22) 85-0268—United Savings of America's proposed acquisition of voting securities of Wisconsin Finance Corporation. | Do. |
| (23) 85-0278—Beverly Enterprises' proposed acquisition of voting securities of Home Medical Systems, Inc. | Do. |
| (24) 85-0289—AMBAC Partners' proposed acquisition of assets of AMBAC Indemnity Corporation, (Baldwin-United Corporation, UPE). | Do. |
| (25) 85-1130—Hospital Corporation of America's proposed acquisition of voting securities of Forum Group Inc. | Apr. 1, 1985. |
| (26) 85-0308—Shamrock Capital, L.P.'s proposed acquisition of voting securities of Central Soya Company, Inc. | Do. |
| (27) 85-0290—Commins Engine Company, Inc.'s proposed acquisition of voting securities of McCord Heat Transfer Corporation, (Ex-Cello Corporation, UPE). | Apr. 2, 1985. |
| (28) 85-0306—The Mennen Company's proposed acquisition of assets of Paper Art Company, Inc., (William E. Atcheson, UPE). | Do. |
| (29) 85-0288—Inspiration Resources Corporation's proposed acquisition of voting securities of Adobe Oil & Gas Corporation. | Apr. 3, 1985. |
| (30) 85-0299—American Telephone and Telegraph Company's proposed acquisition of assets of Synertek, Inc., Honeywell Synertek, Pte. Ltd., Honeywell—Synertek, Ltd., Honeywell GmbH, (Honeywell, Inc., UPE). | Do. |
| (31) 85-0316—American Can Company's proposed acquisition of voting securities of Berg Enterprises, Inc. | Do. |
| (32) 85-0320—Sunshine Mining Company's proposed acquisition of voting securities of Woods Petroleum Corporation. | Do. |
| (33) 85-0321—Sunshine Mining Company's proposed acquisition of voting securities of Woods Petroleum Corporation. | Do. |
| (34) 85-0323—Jack Eckerd Corporation's proposed acquisition of voting securities of Ross Stores, Inc. | Do. |
| (35) 85-0324—Frank C. Carlow's proposed acquisition of voting securities of Columbia Northwest Corporation, (Ashland Oil Company, UPE). | Do. |
| (36) 85-0325—Michael P. Carlow's proposed acquisition of voting securities of Columbia Northwest Corporation, (Ashland Oil Company, UPE). | Do. |
| (37) 85-0333—CBS, Incorporated's proposed acquisition of voting securities of Winterland Concessions Company. | Do. |
| (38) 85-0187—Entrad Corporation Limited's proposed acquisition of voting securities of Tootal Group PLC. | Apr. 4, 1985. |
| (39) 85-0300—Van Dusen Air Inc.'s proposed acquisition of assets of Burlington Northern Airmotive, Inc., (Burlington Northern Inc., UPE). | Do. |
| (40) 85-0312—Sodexho S.A.'s proposed acquisition of voting securities of The Seiler Corporation. | Do. |
| (41) 85-0334—Cargill, Incorporated's proposed acquisition of assets of Hunt Steel Division's Mini Mill, (Hunt Energy Co., Inc., UPE). | Do. |
| (42) 85-0282—Macmillan, Inc.'s proposed acquisition of voting securities of ten subsidiaries of ITT Corporation. | Apr. 5, 1985. |
| (43) 85-0291—London and Northern Group PLC's proposed acquisition of voting securities of Rockville Crushed Stone, Inc., (Equitable Bank, N.A. UPE). | Do. |
| (44) 85-0326—Eastman Kodak Company's proposed acquisition of voting securities of Elkonix Corporation. | Do. |

**FOR FURTHER INFORMATION CONTACT:** Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

**Emily H. Rock,**

*Secretary.*

[FR Doc. 85-9312 Filed 4-17-85; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Alcohol, Drug Abuse, and Mental Health Administration

### Development of National Plan to Combat Alcohol Abuse and Alcoholism

**AGENCY:** National Institute on Alcohol Abuse and Alcoholism, HHS.

**ACTION:** Invitation to comment on development of a national plan to combat alcohol abuse and alcoholism.

**SUMMARY:** The Secretary is required to transmit to the Congress, by October 1, 1985, a comprehensive national plan to combat alcohol abuse and alcoholism, including a description of a model program for activities to be undertaken by the States; an analysis of the social and economic costs to the Nation; assesssment of current treatment and rehabilitation needs including integration into the overall health care system; assessment of personnel needs in the fields of research, treatment, rehabilitation, and prevention; a statement of specific goals and objectives necessary to meet current treatment, rehabilitation, and personnel needs through specific modifications of appropriate Federal, State, local, and private policies (including Medicare and Medicaid) to ensure appropriate cost effective treatment and prevention of alcohol abuse and alcoholism; and estimates of public and private resources necessary to accomplish these goals, as well as anticipated resource savings to accrue from these changes. This notice invites comment on the national plan.

**DATE:** Receipt date for comments: May 20, 1985.

**ADDRESS:** Submit written comments to: Mr. Loran D. Archer, Deputy Director, National Institute on Alcohol Abuse and Alcoholism, Room 16-105, 5600 Fishers Lane, Rockville, Maryland 20857.

**FOR FURTHER INFORMATION CONTACT:** Mr. Loran D. Archer, (301) 443-3851.

**SUPPLEMENTARY INFORMATION:** The Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984 (Pub. L. 98-509) requires the Secretary to prepare and transmit to the Congress a report which sets forth a comprehensive national plan to combat alcohol abuse and alcoholism. Section 208 of that statute provides that the report shall include:

(1) Description of a model program for activities to be conducted by the States to combat alcohol abuse and alcoholism;

(2) An analysis of the social and economic costs of alcoholism and alcohol abuse to the Nation, including amounts expended by public agencies and private organizations—

(A) For the treatment of individuals for alcohol abuse and alcoholism, including a division of such amounts among the types of settings in which such treatment is provided;

(B) For treatment of individuals for health problems resulting from alcohol abuse and alcoholism; and

(C) To meet other costs resulting from alcohol abuse and alcoholism, such as costs resulting from lost employee productivity;

(3) An assessment of current treatment and rehabilitation needs and the current integration and financing of alcoholism treatment and rehabilitation into the Nation's health care system;

(4) An assessment of personnel needs in the field of research, treatment, rehabilitation, and prevention;

(5) A statement of specific goals and objectives to meet the Nation's current treatment, rehabilitation, and personnel needs in the area of alcoholism and alcohol abuse and plans to meet those needs through specific modification of Federal, State, local and private policies and regulations, including a specification of recommendations for legislation—

(A) To establish Federal programs and to provide Federal funds to encourage States to adopt and implement the model program described under paragraph (1); and

(B) To modify programs and activities conducted, and services provided, under—

(i) Part B of title XIX of the Public Health Service Act;

(ii) Titles XVIII and XIX of the Social Security Act;

(iii) Chapter 89 of Title 5, United States Code; and

(iv) Sections 1079 and 1080 of title 10, United States Code.

in order to ensure appropriate cost-effective treatment and prevention of alcohol abuse and alcoholism; and

(6) Estimates of public and private resources needed to accomplish the goals and objectives referred to in paragraph (5) as well as resource savings that can be anticipated from achieving the national objectives.

The public is invited to submit written comments, views, and suggestions on these matters.

Donald Ian Macdonald,

*Administrator, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 85-9329 Filed 4-17-85; 8:45 am]

BILLING CODE 4160-20-M

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## Health Resources and Services Administration

### Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HB (Health Resources and Services Administration) of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (47 FR 38409, August 31, 1982, as amended most recently at 50 FR 3415-16, January 24, 1985), is amended to reflect the following changes in the functional statement for the Office of Planning, Evaluation and Legislation in the Health Resources and Services Administration: (1) The consolidation of the planning and evaluation functions into one division and a change in the title of the Division of Program Planning to the Division of Planning and Evaluation; (2) a change in the title of the Division of Planning and Evaluation; (2) a change in the title of the Division of Evaluation and Analysis to the Division of Information and Analysis to reflect the deletion of the evaluation functions and consolidation of information and program development functions now shared by the Division of Planning and Division of Evaluation and Analysis; and (3) deletion from the functional statement for the Division of Legislation of the legislative proposal development function, which is transferred to the Division of Planning and Evaluation.

*Under Section HB-10, Organization and Functions,* delete all division statements under the *Office of Planning, Evaluation and Legislation (HBA6)* in their entirety and substitute the following:

*Division of Planning and Evaluation (HBA62).* (1) Serves as the Administrator's primary staff unit and principal source of advice on program planning and evaluation; (2) oversees communications between the Administration and higher levels of the Department on all matters that involve program plans and evaluation of program performance; (3) maintains liaison with other Federal and non-Federal health agencies on matters within its areas of responsibility; (4) develops short-range goals, objectives and priorities for the Administration; (5) coordinates interrelated bureau activities which influence programmatic planning; (6) develops in collaboration with financial management staff the short-range program and financial plan for the Administration; (7) anlayzes budgetary data with regard to planning guidelines; (8) prepares policy analysis papers and other planning documents as required in the Administration's srategic planning process; (9) collaborates with the Office of Management in the development of the current and budget year financial plans; (10) develops legislative proposals; and (11) provides technical assistance to support the evaluation of policy and operations questions undertaken in the Administration.

*Division of Information and Analysis (HBA63).* (1) Serves as the Administrator's primary staff unit and principal source of advice on program information and analysis; (2) oversees communications between the Administration and higher levels of the Department on all matters that involve analysis of program policy; (3) maintains liasion with other Federal and non-Federal health agencies on matters within its area of responsibility; (4) provides with the Director of Planning and Evaluation technical assistance to support the statistical, economic, operations research, cost benefit, and other scientific analyses of policy questions undertaken in the Administration; (5) supports development of long-range objectives and strategies; (6) identifies for the Administrator data required for use in the management and direction of Administration programs; (7) assesses and analyzes trends and makes forecasts about health services systems for use in the program management and decisionmaking process; (8) monitors ongoing information systems which produce analytical data about the Agency's programs; (9) provides support in the development of small computer-assisted information applications and management decision tools; (10) performs analyses of the impact of Agency programs on specific groups within the population, including minorities, and develops appropriate solutions to problems of illness and disease; and (11) coordinates the Administration's public use reports clearance function.

*Division of Legislation (HBA64).* (1) Serves as the Administrator's primary staff unit and principal source of advice on legislative affairs; (2) oversees communications between the Administration and higher levels of the Department on legislative matters; (3) oversees the legislative program for the Administration; (4) develops a legislative program for the Administration; (5) prepares the Administration's analyses, position papers, and reports on proposed legislation; (6) supervises the preparation of testimony and backup materials on the Administration's legislative program for presentation to Congressional Committees; (7) monitor hearings and Congressional activities affecting the Administration; (8) in conjunction with the OAS(L), coordinates the preparation of information requested by, and provides technical assistance to, Congressional Committees, Members of Congress, or their staffs in relation to the Administration's legislative program; and (9) coordinates the distribution of legislative materials and serves as a legislative reference center.

These functional changes are effective on date of signature.

Dated: April 8, 1984.

**James O. Mason,**

*Acting Assistant Secretary for Health.*

[FR Doc. 85-9304 Filed 4-17-85; 8:45 am]

BILLING CODE 4160-15-M

## Social Security Administration

### Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) covers the Social Security Administration (SSA). Sections SJ.10 and SJ.20 of the SSA statement, as published in the **Federal Register** on July 18, 1984 (49 FR 29153-54) and amended on October 29, 1984, describe the organization and functions of SSA's Office of Disability (OD).

Notice is hereby given that Sections SJ.10 and SJ.20 are amended to reflect the change in organizational title of the Medical Consultant Staff, OD to the Office of Medical Evaluation, OD. The OD material is amended as follows:

Section SJ.10 *The Office of Disability*—(Organization):

Delete:

D. The Medical Consultant Staff ( ).

Add:

D. The Office of Medical Evaluation ( ).

Section SJ.20 *The Office of Disability*—(Functions):

Delete:

D. The Medical Consultant Staff ( ).

Add:

D. The Office of Medical Evaluation ( ).

Dated: April 8, 1985.

**Nelson J. Sabatini,**

*Acting Deputy Commissioner for Management and Assessment.*

[FR Doc. 85-9363 Filed 4-17-85; 8:45 am]

BILLING CODE 4190-11-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Housing—Federal Housing Commissioner

**[Docket No. N-85-1521; FR-2086]**

### General Prototype Housing Costs for One- to Four-Family Dwelling Units

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** The Housing and Community Development Act of 1977 requires the Department to publish prototype housing costs for a variety of one- to four-family dwelling units in each market area throughout the United States. This Notice announces the 1984 prototype costs, and is intended to provide the public with the typical cost of a single family dwelling in a definite area.

**FOR FURTHER INFORMATION CONTACT:** Brain Chappelle, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Room 9270, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-6720. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Section 904 of the Housing and Community Development Act of 1977 (42 U.S.C. 3540) requires HUD to prepare and publish annually prototype housing costs for one- to four-family dwelling units for each market area in the United States. The most recent publication of prototype costs by the Department was on August 24, 1982 (see 47 FR 36970). These prototype figures are intended to serve as an aid to the general public in estimating typical housing costs in a particular market area. These prototype costs are not the same as those published annually by the Department under section 6(b) of the United States Housing Act of 1937 for use in public housing projects.

The prototpye costs are developed by HUD using data submitted from HUD field offices and the public and general data gathered by the Department in administering the National Housing Act section 203(b) single family mortgage insurance program. The prototype costs include costs for land and site improvement, and cover both urban and rural areas of each market area. Generally, prototype costs represent the sales price.

The tables that follow this document list the prototype costs for all market areas. Because of the lack of information on two-, three-, and four-family dwelling units, costs generally include figures for one-family dwellings only. In consideration of varying economic situations, prototype costs are divided into three cost ranges: Low, medium and high. The typical low-range, one-family dwelling contains three bedrooms and one full bath. The typical medium-range one-family dwelling contains three or four bedrooms and two full baths. The typical high-range one-family dwelling contains three to five bedrooms and two or three full baths.

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321-4347) is unnecessary, since prototype cost notices are categorically excluded under HUD regulations at 24 CFR 50.21(a).

**Authority:** Sec. 904, Housing and Community Development Act of 1977 (42 U.S.C. 3540); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: April 10, 1985.

**Shirley McVay Wiseman,**

*General Deputy Assistance Secretary for Housing—Deputy Federal Housing Commissioner.*

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| **Field Office: Boston, MA** | | | |
| Typical square foot area | 1,000 | 1,250 | 1,430 |
| Boston: | | | |
| 1-family dwelling | $67,587 | $97,070 | $135,380 |
| 2-family dwelling | | 103,141 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Pittsfield: | | | |
| 1-family dwelling | 59,896 | 88,000 | 120,968 |
| 2-family dwelling | | 92,377 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Worcester: | | | |
| 1-family dwelling | 60,297 | 88,620 | 122,370 |
| 2-family dwelling | | 93,013 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Springfield: | | | |
| 1-family dwelling | 60,310 | 88,100 | 122,400 |
| 2-family dwelling | | 93,040 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Cape Cod: | | | |
| 1-family dwelling | 61,130 | 90,875 | 124,206 |
| 2-family dwelling | | 96,516 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Hartford, CT** | | | |
| Typical square foot area | 880 | 1,000 | 1,120 |
| New Haven-Milford: | | | |
| 1-family dwelling | $67,842 | $75,790 | $82,809 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Hartford: | | | |
| 1-family dwelling | 68,305 | 76,920 | 83,676 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Bridgeport-Fairfield: | | | |
| 1-family dwelling | 71,785 | 77,115 | 86,516 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Manchester, NH** | | | |
| Typical square foot area | 960 | 1,690 | 1,980 |
| Portland, ME: | | | |
| 1-family dwelling | $55,230 | $94,490 | $128,660 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Bangor, ME: | | | |
| 1-family dwelling | 54,149 | 90,260 | 123,080 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| Augusta, ME: | | | |
| 1-family dwelling | 54,610 | 91,500 | 125,227 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Manchester, NH: | | | |
| 1-family dwelling | 53,900 | 91,210 | 123,167 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Keene, NH: | | | |
| 1-family dwelling | 52,975 | 86,995 | 119,390 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Portsmouth, NH: | | | |
| 1-family dwelling | 57,400 | 92,855 | 123,854 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Burlington, VT: | | | |
| 1-family dwelling | 56,420 | 93,575 | 125,830 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Providence, RI** | | | |
| Typical square foot area | 1,040 | 1,250 | 1,540 |
| Rhode Island: | | | |
| 1-family dwelling | $68,012 | $84,747 | $101,120 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Albany, NY** | | | |
| Typical square foot area | 936 | 1,092 | 1,972 |
| Albany-Troy: | | | |
| 1-family dwelling | $51,100 | $63,400 | $98,100 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Auburn: | | | |
| 1-family dwelling | 49,750 | 61,200 | 90,050 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Binghamton: | | | |
| 1-family dwelling | 48,650 | 59,850 | 95,300 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Ithaca: | | | |
| 1-family dwelling | 48,650 | 59,850 | 99,550 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Plattsburgh: | | | |
| 1-family dwelling | 48,650 | 59,850 | 94,250 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Poughkeepsie-Kingston: | | | |
| 1-family dwelling | 54,350 | 67,450 | 104,250 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Schenectady: | | | |
| 1-family dwelling | 51,100 | 63,400 | 98,100 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Syracuse: | | | |
| 1-family dwelling | 50,450 | 62,150 | 97,750 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Utica-Rome: | | | |
| 1-family dwelling | 49,000 | 60,250 | 94,950 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Watertown: | | | |
| 1-family dwelling | 48,250 | 59,350 | 93,550 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| **Field Office: Buffalo, NY** | | | |
| Typical square foot area | 960 | 1,040 | 1,140 |
| Buffalo: | | | |
| 1-family dwelling | $56,900 | $74,900 | $95,900 |
| 2-family dwelling | 90,100 | 113,125 | 138,550 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Rochester: | | | |
| 1-family dwelling | 57,975 | 76,550 | 97,050 |
| 2-family dwelling | 91,575 | 114,050 | 138,800 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Elmira: | | | |
| 1-family dwelling | 46,275 | 63,000 | 79,100 |
| 2-family dwelling | 76,800 | 96,875 | 120,900 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Jamestown: | | | |
| 1-family dwelling | 48,875 | 67,700 | 85,150 |
| 2-family dwelling | 81,625 | 101,900 | 126,200 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Camden, NJ** | | | |
| Typical square foot area | 1,160 | 1,320 | 1,480 |
| Burlington, Camden, and Gloucester Counties: | | | |
| 1-family dwelling | $50,425 | $74,000 | $91,800 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Cumberland, Salem, and Part of Atlantic Counties: | | | |
| 1-family dwelling | 50,450 | 69,200 | 79,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Atlantic (Shore) County: | | | |
| 1-family dwelling | 62,000 | 83,400 | 102,350 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Mercer County: | | | |
| 1-family dwelling | 55,200 | 74,600 | 91,800 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Ocean County: | | | |
| 1-family dwelling | 52,700 | 82,000 | 97,850 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Newark, NJ** | | | |
| Typical square foot area | 1,000 | 1,475 | 1,818 |
| Ausbury Park: | | | |
| 1-family dwelling | $65,800 | $81,100 | $86,900 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Morristown: | | | |
| 1-family dwelling | 81,200 | 97,400 | 103,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| New Brunswick: | | | |
| 1-family dwelling | 73,100 | 89,100 | 102,900 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Plainfield: | | | |
| 1-family dwelling | 68,000 | 83,900 | 89,900 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Somerville: | | | |
| 1-family dwelling | 72,100 | 86,100 | 94,200 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: New York, NY** | | | |
| Typical square foot area | 1,040 | 1,490 | 2,440 |
| Orange County: | | | |
| 1-family dwelling | $53,800 | $84,425 | $132,750 |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| 2-family dwelling | 73,450 | 117,300 | 170,650 |
| 3-family dwelling | 115,800 | 126,000 | 216,150 |
| 4-family dwelling | 137,850 | 198,800 | 285,150 |
| Rockland County: | | | |
| 1-family dwelling | 60,400 | 91,350 | 146,450 |
| 2-family dwelling | 75,000 | 118,400 | 163,000 |
| 3-family dwelling | 118,250 | 134,050 | 215,000 |
| 4-family dwelling | 225,850 | 208,250 | 301,150 |
| Nassau/Suffolk Counties: | | | |
| 1-family dwelling | 58,500 | 97,150 | 161,500 |
| 2-family dwelling | 80,600 | 121,000 | 174,400 |
| 3-family dwelling | 122,850 | 146,050 | 241,200 |
| 4-family dwelling | 167,200 | 223,100 | 317,450 |
| New York City, Westchester and Putnam Counties: | | | |
| 1-family dwelling | 59,400 | 96,300 | 145,300 |
| 2-family dwelling | 76,600 | 120,600 | 176,900 |
| 3-family dwelling | 116,400 | 152,950 | 267,650 |
| 4-family dwelling | 132,850 | 201,650 | 334,400 |
| **Field Office: San Juan, PR** | | | |
| Typical square foot area | 860 | 1,160 | 1,620 |
| San Juan: | | | |
| 1-family dwelling | $55,000 | $70,000 | $80,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Ponce: | | | |
| 1-family dwelling | 40,000 | 55,000 | 70,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Mayaguez: | | | |
| 1-family dwelling | 40,000 | 55,000 | 70,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Baltimore, MD** | | | |
| Typical square foot area | 1,086 | 1,656 | 1,944 |
| Baltimore: | | | |
| 1-family dwelling | $81,667 | $99,260 | $111,858 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Hagerstown: | | | |
| 1-family dwelling | | 66,789 | 104,256 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Salisbury: | | | |
| 1-family dwelling | 63,857 | 72,545 | 86,663 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Waldorf: | | | |
| 1-family dwelling | 65,595 | 96,655 | 120,545 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Charleston, WV** | | | |
| Typical square foot area | 980 | 1,150 | 2,600 |
| Charleston: | | | |
| 1-family dwelling | $60,335 | $88,900 | $127,265 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Beckley/Princeton/ Bluefield: | | | |
| 1-family dwelling | 58,600 | 111,635 | 123,535 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Martinsburg: | | | |
| 1-family dwelling | 53,165 | 78,35 | 112,135 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Wheeling: | | | |
| 1-family dwelling | 61,635 | 90,700 | 129,600 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Huntington: | | | |
| 1-family dwelling | 60,165 | 88,035 | 126,035 |

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Parkersburg: | | | |
| 1-family dwelling | $59,835 | $86,035 | $126,035 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Upper Monongalia: | | | |
| 1-family dwelling | $60,365 | $88,900 | $127,235 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Philadelphia, PA**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,220 | 1,790 | 2,200 |
| Philadelphia: | | | |
| 1-family dwelling | $63,450 | $85,925 | $76,165 |
| 2-family dwelling | 66,630 | 72,515 | 83,700 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Pottstown-Reading: | | | |
| 1-family dwelling | 61,656 | 64,510 | 71,575 |
| 2-family dwelling | 67,690 | 70,985 | 78,635 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Allentown-Bethlehem-Easton: | | | |
| 1-family dwelling | 62,155 | 64,960 | 72,160 |
| 2-family dwelling | 68,275 | 71,455 | 79,345 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Lancaster-York: | | | |
| 1-family dwelling | 59,800 | 63,450 | 72,400 |
| 2-family dwelling | 65,690 | 69,810 | 79,580 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Harrisburg: | | | |
| 1-family dwelling | 59,215 | 62,510 | 69,340 |
| 2-family dwelling | 65,100 | 68,750 | 76,260 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Wilkes-Barre-Scranton: | | | |
| 1-family dwelling | 61,570 | 64,510 | 71,575 |
| 2-family dwelling | 67,700 | 70,985 | 78,635 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Bellefonte: | | | |
| 1-family dwelling | 56,150 | 63,450 | 70,630 |
| 2-family dwelling | 61,685 | 69,810 | 77,695 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Tioga: | | | |
| 1-family dwelling | 56,150 | 63,450 | 70,630 |
| 2-family dwelling | 61,685 | 69,810 | 77,695 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Wilmington-State of Delaware: | | | |
| 1-family dwelling | 52,030 | 58,905 | 65,450 |
| 2-family dwelling | 57,160 | 64,795 | 71,990 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Pittsburgh, PA**

| | | | |
|---|---|---|---|
| Typical square foot area | 960 | 1,440 | 2,210 |
| Altoona: | | | |
| 1-family dwelling | $69,097 | $96,859 | $125,591 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Erie: | | | |
| 1-family dwelling | 70,640 | 99,842 | 127,560 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Johnstown: | | | |
| 1-family dwelling | 70,125 | 98,612 | 127,560 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Pittsburgh: | | | |
| 1-family dwelling | 72,184 | 101,909 | 129,530 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Richmond, VA**

| | | | |
|---|---|---|---|
| Typical Square foot area | 1,090 | 2,110 | 2,240 |

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| Chesapeake: | | | |
| 1-family dwelling | $55,000 | $77,025 | $119,200 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Richmond: | | | |
| 1-family dwelling | 55,700 | 77,575 | 119,250 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Roanoke: | | | |
| 1-family dwelling | 47,800 | 66,675 | 103,750 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Winchester: | | | |
| 1-family dwelling | 53,500 | 75,100 | 116,400 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Hampton: | | | |
| 1-family dwelling | 55,350 | 77,475 | 119,600 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Norfolk: | | | |
| 1-family dwelling | 55,200 | 77,550 | 120,150 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Virginia Beach: | | | |
| 1-family dwelling | 56,900 | 79,250 | 121,875 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Petersburg: | | | |
| 1-family dwelling | 53,100 | 73,900 | 114,350 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Portsmouth: | | | |
| 1-family dwelling | 54,550 | 76,575 | 118,250 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Charlottesville: | | | |
| 1-family dwelling | 51,100 | 71,300 | 110,400 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Danville: | | | |
| 1-family dwelling | 47,600 | 66,500 | 103,650 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Fredericksburg: | | | |
| 1-family dwelling | 57,100 | 79,750 | 123,600 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Lynchburg: | | | |
| 1-family dwelling | 49,600 | 68,650 | 106,150 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Newsport News: | | | |
| 1-family dwelling | 54,750 | 76,875 | 119,025 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Washington, DC**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,060 | 1,380 | 2,510 |
| Washington Metropolitan Area: | | | |
| 1-family dwelling | $138,857 | $173,028 | $234,795 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Atlanta, GA**

| | | | |
|---|---|---|---|
| Typical square foot area | 960 | 1,420 | 2,130 |
| Albany: | | | |
| 1-family dwelling | $43,700 | $69,150 | $100,250 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Athens: | | | |
| 1-family dwelling | 43,350 | 69,000 | 96,783 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| Atlanta: | | | |
| 1-family dwelling | 49,500 | 76,900 | 108,300 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Augusta: | | | |
| 1-family dwelling | 45,900 | 70,150 | 101,300 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Columbus: | | | |
| 1-family dwelling | 44,750 | 69,050 | 98,100 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Macon: | | | |
| 1-family dwelling | 44,750 | 70,150 | 100,250 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Rome: | | | |
| 1-family dwelling | 46,700 | 71,350 | 101,400 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Savannah: | | | |
| 1-family dwelling | 46,800 | 72,400 | 104,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Birmingham, AL**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,080 | 1,820 | 2,420 |
| 1-family dwelling | $56,050 | $83,450 | $111,800 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Florence: | | | |
| 1-family dwelling | 51,500 | 76,100 | 96,550 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Huntsville: | | | |
| 1-family dwelling | 55,100 | 80,350 | 106,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Gadsden: | | | |
| 1-family dwelling | 50,550 | 77,500 | 98,850 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Anniston: | | | |
| 1-family dwelling | 50,350 | 76,500 | 96,850 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Columbia, SC**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,070 | 1,360 | 1,510 |
| Aiken-Rockhill: | | | |
| 1-family dwelling | $50,800 | 62,400 | 69,200 |
| 2-family dwelling | 72,000 | 91,800 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Columbia-Florence-Orangeburg: | | | |
| 1-family dwelling | 50,600 | 63,300 | 73,000 |
| 2-family dwelling | 71,600 | 92,400 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Charleston-Myrtle Beach: | | | |
| 1-family dwelling | 53,900 | 67,700 | 77,600 |
| 2-family dwelling | 75,900 | 98,200 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Greenville-Anderson-Spartanburg: | | | |
| 1-family dwelling | 51,800 | 65,000 | 73,600 |
| 2-family dwelling | 73,300 | 94,800 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Coral Gables, FL**

| | | | |
|---|---|---|---|
| Typical Square foot area | 950 | 1,250 | 1,970 |
| Miami: | | | |
| 1-family dwelling | $71,900 | $85,400 | $134,200 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| Fort Lauderdale: | | | |
| 1-family dwelling | 64,400 | 82,000 | 122,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| West Palm Beach: | | | |
| 1-family dwelling | 57,000 | 82,400 | 120,200 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Fort Myers: | | | |
| 1-family dwelling | 52,700 | 70,500 | 109,100 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Key West: | | | |
| 1-family dwelling | 58,300 | 79,000 | 122,800 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Greensboro, SC** | | | |
| Typical square foot area | 1,150 | 1,500 | 2,185 |
| Greensboro: | | | |
| 1-family dwelling | $57,580 | $79,030 | $118,338 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Asheville: | | | |
| 1-family dwelling | 56,370 | 77,423 | 115,968 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Charlotte: | | | |
| 1-family dwelling | 59,634 | 81,285 | 120,965 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Elizabeth City: | | | |
| 1-family dwelling | 53,767 | 74,042 | 111,123 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Greenville: | | | |
| 1-family dwelling | 54,060 | 74,337 | 111,418 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Raleigh: | | | |
| 1-family dwelling | 57,352 | 78,604 | 117,540 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Wilmington: | | | |
| 1-family dwelling | 56,380 | 77,433 | 115,998 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Jackson, MS** | | | |
| Typical square foot area | 1,170 | 1,860 | 2,560 |
| Biloxi-Gulfport: | | | |
| 1-family dwelling | $52,100 | $82,600 | $117,900 |
| 2-family dwelling | | 81,100 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 130,850 | |
| Columbus: | | | |
| 1-family dwelling | 51,900 | 84,050 | 120,000 |
| 2-family dwelling | | 83,100 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 133,600 | |
| Greenville: | | | |
| 1-family dwelling | 46,500 | 81,150 | 127,000 |
| 2-family dwelling | | 79,000 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 127,150 | |
| Hattiesburg: | | | |
| 1-family dwelling | 52,000 | 82,750 | 118,750 |
| 2-family dwelling | | 82,500 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 134,250 | |
| Jackson: | | | |
| 1-family dwelling | 52,700 | 84,000 | 124,400 |
| 2-family dwelling | | 88,650 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 134,250 | |
| Laurel: | | | |
| 1-family dwelling | 51,600 | 82,250 | 115,800 |
| 2-family dwelling | | 84,400 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 133,000 | |
| Meridian: | | | |
| 1-family dwelling | 49,450 | 81,000 | 112,100 |
| 2-family dwelling | | 80,100 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 128,750 | |
| Natchez: | | | |
| 1-family dwelling | 47,900 | 80,300 | 112,200 |
| 2-family dwelling | | 78,150 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 128,750 | |
| Southaven: | | | |
| 1-family dwelling | 54,600 | 87,500 | 123,500 |
| 2-family dwelling | | 78,150 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 139,400 | |
| Vicksburg: | | | |
| 1-family dwelling | 50,600 | 83,700 | 113,600 |
| 2-family dwelling | | 86,600 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 132,200 | |
| **Field Office: Jacksonville, FL** | | | |
| Typical square foot area | 1,087 | 1,334 | 1,619 |
| Jacksonville: | | | |
| 1-family dwelling | $51,725 | $66,450 | $78,760 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Gainesville/Ocala: | | | |
| 1-family dwelling | 47,470 | 60,885 | 74,560 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Panama City: | | | |
| 1-family dwelling | 48,925 | 57,950 | 73,150 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Tallahassee: | | | |
| 1-family dwelling | 45,970 | 58,645 | 67,015 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Pensacola-Ft. Walton: | | | |
| 1-family dwelling | 57,310 | 51,895 | 74,225 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Knoxville, TN** | | | |
| Typical square foot area | 980 | 1,030 | 1,300 |
| Knoxville: | | | |
| 1-family dwelling | $47,000 | $54,000 | $65,000 |
| 2-family dwelling | | 64,000 | 86,000 |
| 3-family dwelling | | | |
| 4-family dwelling | 138,000 | 140,000 | |
| Chattanooga: | | | |
| 1-family dwelling | 46,000 | 54,000 | 64,000 |
| 2-family dwelling | | 64,000 | 86,000 |
| 3-family dwelling | | | |
| 4-family dwelling | 135,000 | 137,000 | |
| Kingsport: | | | |
| 1-family dwelling | 46,000 | 53,000 | 62,000 |
| 2-family dwelling | | 63,000 | 84,000 |
| 3-family dwelling | | | |
| 4-family dwelling | 133,000 | 135,000 | |
| Johnson City: | | | |
| 1-family dwelling | 46,000 | 53,000 | 63,000 |
| 2-family dwelling | | 64,000 | 85,000 |
| 3-family dwelling | | | |
| 4-family dwelling | 134,000 | 136,000 | |
| **Field Office: Louisville, KY** | | | |
| Typical square foot area | 930 | 1,630 | 1,930 |
| Louisville: | | | |
| 1-family dwelling | $50,845 | $61,400 | $85,510 |
| 2-family dwelling | 62,415 | 126,780 | |
| 3-family dwelling | | | |
| 4-family dwelling | 143,250 | 184,545 | |
| Owensboro: | | | |
| 1-family dwelling | 50,300 | 63,235 | 83,400 |
| 2-family dwelling | 62,090 | 126,240 | |
| 3-family dwelling | | | |
| 4-family dwelling | 143,260 | 183,460 | |
| Ashland: | | | |
| 1-family dwelling | 52,105 | 62,265 | 86,740 |
| 2-family dwelling | 65,275 | 130,270 | |
| 3-family dwelling | | | |
| 4-family dwelling | 148,031 | 189,295 | |
| Covington: | | | |
| 1-family dwelling | 52,515 | 63,400 | 87,490 |
| 2-family dwelling | 64,740 | 131,970 | |
| 3-family dwelling | | | |
| 4-family dwelling | 148,620 | 191,600 | |
| Paducah: | | | |
| 1-family dwelling | 49,340 | 61,200 | 82,110 |
| 2-family dwelling | 62,165 | 125,075 | |
| 3-family dwelling | | | |
| 4-family dwelling | 141,375 | 181,695 | |
| **Field Office: Memphis, TN** | | | |
| Typical square foot area | 1,020 | 2,020 | 3,050 |
| Memphis: | | | |
| 1-family dwelling | $51,100 | $81,675 | $105,840 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Jackson: | | | |
| 1-family dwelling | 50,885 | 61,335 | 105,050 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Nashville, TN** | | | |
| Typical square foot area | 1,060 | 1,300 | 1,800 |
| Nashville: | | | |
| 1-family dwelling | $47,250 | $74,450 | $85,500 |
| 2-family dwelling | 59,500 | 87,000 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Orlando, FL** | | | |
| Typical square foot area | 1,050 | 1,200 | 1,760 |
| Brevard, Indian River, St. Lucie Co.: | | | |
| 1-family dwelling | $49,500 | $57,750 | $77,500 |
| 2-family dwelling | | 80,000 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Orange, Seminole, Osceola Co.: | | | |
| 1-family dwelling | 49,500 | 59,500 | 79,500 |
| 2-family dwelling | | 84,000 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Volusia Co.: | | | |
| 1-family dwelling | 48,000 | 56,500 | 77,500 |
| 2-family dwelling | | 79,250 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Tampa, FL** | | | |
| Typical square foot area | 1,010 | 1,320 | 1,680 |
| Hillsborough-Pinellas-Pasco: | | | |
| 1-family dwelling | $50,000 | $70,000 | $108,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Bradenton-Sarasota: | | | |
| 1-family dwelling | 49,000 | 67,000 | 99,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Polk County: | | | |
| 1-family dwelling | 44,000 | 52,000 | 102,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Chicago, IL** | | | |
| Typical square foot area | 1,000 | 1,500 | 2,000 |
| Chicago: | | | |
| 1-family dwelling | $54,230 | $107,980 | $150,280 |
| 2-family dwelling | 99,160 | 125,120 | 155,370 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Rockford: | | | |
| 1-family dwelling | 50,950 | 91,620 | 130,430 |
| 2-family dwelling | 87,200 | 108,810 | 135,830 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Rock Island: | | | |
| 1-family dwelling | 52,270 | 95,990 | 133,750 |
| 2-family dwelling | 92,960 | 113,480 | 139,180 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Sterling: | | | |
| 1-family dwelling | 50,130 | 93,010 | 129,900 |
| 2-family dwelling | 88,890 | 109,700 | 134,430 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Cincinnati, OH** | | | |
| Typical square foot area | 1,120 | 1,220 | 2,020 |
| Cincinnati: | | | |
| 1-family dwelling | $61,700 | $75,255 | $111,500 |

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Dayton: | | | |
| 1-family dwelling | 58,390 | 72,100 | 109,700 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Cleveland, OH**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,040 | 1,320 | 1,790 |
| Cleveland: | | | |
| 1-family dwelling | $68,270 | $102,780 | $172,980 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Akron: | | | |
| 1-family dwelling | 66,115 | 102,890 | 167,985 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Toledo: | | | |
| 1-family dwelling | 67,695 | 102,200 | 172,955 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Youngstown: | | | |
| 1-family dwelling | 66,490 | 100,100 | 165,960 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Findlay: | | | |
| 1-family dwelling | 66,020 | 99,595 | 164,217 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Mansfield: | | | |
| 1-family dwelling | 65,540 | 98,890 | 165,645 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Lorain: | | | |
| 1-family dwelling | 67,965 | 102,870 | 173,580 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Columbus, OH**

| | | | |
|---|---|---|---|
| Typical square foot area | 940 | 1,680 | 2,210 |
| Columbus: | | | |
| 1-family dwelling | $53,100 | $79,400 | $123,700 |
| 2-family dwelling | 94,800 | 119,700 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | 199,700 |
| Athens: | | | |
| 1-family dwelling | 47,300 | 84,800 | 123,200 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Lima: | | | |
| 1-family dwelling | 53,400 | 94,600 | 123,200 |
| 2-family dwelling | 105,100 | 127,800 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Zanesville: | | | |
| 1-family dwelling | 52,400 | 74,600 | 112,900 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | 135,000 | |
| Newark: | | | |
| 1-family dwelling | 58,500 | 82,100 | 108,400 |
| 2-family dwelling | 87,700 | 110,700 | |
| 3-family dwelling | | 141,400 | |
| 4-family dwelling | | | 162,000 |

**Field Office: Detroit, MI**

| | | | |
|---|---|---|---|
| Typical square foot area | 900 | 1,600 | 1,775 |
| Detroit: | | | |
| 1-family dwelling | $53,500 | $64,800 | $78,600 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Flint, MI**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,000 | 1,220 | 1,530 |
| Flint: | | | |
| 1-family dwelling | $44,350 | $51,245 | $114,998 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Saginaw-Bay City: | | | |
| 1-family dwelling | 44,350 | 51,245 | 114,998 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Midland: | | | |
| 1-family dwelling | 44,350 | 51,245 | 114,998 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Grand Rapids, MI**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,060 | 1,200 | 1,720 |
| Grand Rapids: | | | |
| 1-family dwelling | $58,750 | $90,980 | $155,395 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Battle Creek: | | | |
| 1-family dwelling | 62,990 | 100,310 | 160,780 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Jackson: | | | |
| 1-family dwelling | 60,960 | 95,475 | 162,290 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Lansing: | | | |
| 1-family dwelling | 63,750 | 92,845 | 162,945 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Muskegon: | | | |
| 1-family dwelling | 58,580 | 87,758 | 152,045 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Mount Pleasant: | | | |
| 1-family dwelling | 62,486 | 93,610 | 158,300 |
| 2-family dwelling | 73,635 | 168,440 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Traverse City: | | | |
| 1-family dwelling | 57,475 | 86,995 | 150,155 |
| 2-family dwelling | 71,490 | 163,530 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Marquette: | | | |
| 1-family dwelling | 58,495 | 88,520 | 149,615 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Benton Harbor: | | | |
| 1-family dwelling | 56,910 | 90,215 | 163,155 |
| 2-family dwelling | 76,495 | 174,980 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Indianapolis, IN**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,060 | 1,120 | 2,100 |
| Indianapolis: | | | |
| 1-family dwelling | $52,700 | $71,000 | $105,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Ft. Wayne: | | | |
| 1-family dwelling | 50,500 | 71,700 | 103,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Gary: | | | |
| 1-family dwelling | 53,000 | 75,000 | 113,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Terre Haute: | | | |
| 1-family dwelling | 53,500 | 73,700 | 110,850 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Milwaukee, WI**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,200 | 1,500 | 2,030 |
| Milwaukee: | | | |
| 1-family dwelling | $76,845 | $118,835 | $181,865 |
| 2-family dwelling | 130,175 | 166,925 | 238,390 |
| 3-family dwelling | 192,060 | 247,995 | 352,500 |
| 4-family dwelling | 256,560 | 334,270 | 485,420 |
| Madison: | | | |
| 1-family dwelling | 70,835 | 109,850 | 169,145 |
| 2-family dwelling | 119,585 | 154,690 | 221,815 |
| 3-family dwelling | 175,575 | 229,030 | 326,690 |
| 4-family dwelling | 235,455 | 306,430 | 439,045 |
| Green Bay: | | | |
| 1-family dwelling | 61,340 | 100,385 | 158,120 |
| 2-family dwelling | 108,705 | 142,815 | 208,590 |
| 3-family dwelling | 165,455 | 216,290 | 311,203 |
| 4-family dwelling | 221,150 | 289,500 | 416,090 |
| Eau Claire: | | | |
| 1-family dwelling | 57,900 | 95,615 | 149,905 |
| 2-family dwelling | 105,160 | 138,695 | 203,475 |
| 3-family dwelling | 157,655 | 208,800 | 409,770 |
| 4-family dwelling | 211,150 | 280,800 | 409,770 |
| Superior: | | | |
| 1-family dwelling | 58,770 | 96,690 | 156,670 |
| 2-family dwelling | 109,370 | 125,000 | 214,010 |
| 3-family dwelling | 164,295 | 217,700 | 317,325 |
| 4-family dwelling | 219,500 | 292,010 | 427,375 |

**Field Office: Minneapolis-St. Paul, MN**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,090 | 1,260 | 2,010 |
| Minneapolis: | | | |
| 1-family dwelling | $70,342 | $93,850 | $127,730 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Duluth: | | | |
| 1-family dwelling | 64,580 | 86,360 | 118,015 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Mankato: | | | |
| 1-family dwelling | 64,265 | 85,945 | 117,410 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Rochester: | | | |
| 1-family dwelling | 65,585 | 87,780 | 119,780 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| St. Cloud: | | | |
| 1-family dwelling | 64,285 | 85,945 | 117,720 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Springfield, IL**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,130 | 1,350 | 2,020 |
| Springfield-Peoria-Perkin: | | | |
| 1-family dwelling | $63,550 | $71,960 | $75,460 |
| 2-family dwelling | 61,480 | 64,010 | 82,880 |
| 3-family dwelling | 87,190 | 90,040 | 124,670 |
| 4-family dwelling | 118,440 | 137,640 | 170,950 |
| Bloomington-Normal: | | | |
| 1-family dwelling | 63,550 | 71,960 | 75,460 |
| 2-family dwelling | 61,480 | 64,010 | 82,880 |
| 3-family dwelling | 87,190 | 90,040 | 124,670 |
| 4-family dwelling | 118,440 | 137,640 | 170,950 |
| Champaign-Urbana: | | | |
| 1-family dwelling | 63,550 | 71,960 | 75,460 |
| 2-family dwelling | 61,480 | 64,010 | 82,880 |
| 3-family dwelling | 87,190 | 90,040 | 124,670 |
| 4-family dwelling | 118,440 | 137,640 | 170,950 |
| Belleville-Alton: | | | |
| 1-family dwelling | 63,550 | 71,960 | 75,460 |
| 2-family dwelling | 61,480 | 64,010 | 82,880 |
| 3-family dwelling | 87,190 | 90,040 | 124,670 |
| 3-family dwelling | 87,190 | 90,040 | 124,670 |
| 4-family dwelling | 118,440 | 137,640 | 170,950 |

**Field Office: Albuquerque, NM**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,160 | 1,684 | 2,000 |
| Albuquerque: | | | |
| 1-family dwelling | $62,860 | $90,066 | $125,979 |
| 2-family dwelling | | | |
| 3-family dwelling | | 124,516 | |
| 4-family dwelling | | 148,980 | |
| Sante Fe: | | | |
| 1-family dwelling | 65,430 | 94,810 | 129,695 |
| 2-family dwelling | | | |
| 3-family dwelling | | 133,041 | |
| 4-family dwelling | | 158,140 | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| Clovis: | | | |
| 1-family dwelling | 48,209 | 70,926 | 93,843 |
| 2-family dwelling | | | |
| 3-family dwelling | | 104,475 | |
| 4-family dwelling | | 123,277 | |
| Hobbs: | | | |
| 1-family dwelling | 55,555 | 79,926 | 104,830 |
| 2-family dwelling | | | |
| 3-family dwelling | | 119,205 | |
| 4-family dwelling | | 143,049 | |
| Las Cruces: | | | |
| 1-family dwelling | 56,476 | 80,182 | 106,395 |
| 2-family dwelling | | | |
| 3-family dwelling | | 118,067 | |
| 4-family dwelling | | 139,323 | |
| **Field Office: Ft. Worth, TX** | | | |
| Typical square foot area | 1,400 | 1,800 | 2,387 |
| Ft. Worth: | | | |
| 1-family dwelling | $71,050 | $80,100 | $145,400 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Dallas: | | | |
| 1-family dwelling | 49,900 | 84,800 | 154,400 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Wichita Falls: | | | |
| 1-family dwelling | 66,100 | 76,800 | 97,900 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Waco: | | | |
| 1-family dwelling | 44,450 | 70,500 | 137,100 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Tyler: | | | |
| 1-family dwelling | 43,250 | 64,750 | 137,100 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| San Angelo-Brownwood: | | | |
| 1-family dwelling | 54,450 | 72,550 | 94,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Abilene: | | | |
| 1-family dwelling | 56,650 | 76,500 | 97,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Houston, TX** | | | |
| Typical square foot area | 1,100 | 1,620 | 2,150 |
| Houston: | | | |
| 1-family dwelling | $62,800 | $86,500 | $111,800 |
| 2-family dwelling | 99,800 | 122,200 | 134,300 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Galveston-Texas City: | | | |
| 1-family dwelling | 62,700 | 85,500 | 110,000 |
| 2-family dwelling | 100,900 | 115,400 | 133,300 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Beaumont-Port Arthur: | | | |
| 1-family dwelling | 61,300 | 84,200 | 108,800 |
| 2-family dwelling | 99,800 | 113,700 | 132,000 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Little Rock, AR** | | | |
| Typical square foot area | 1,200 | 1,260 | 2,420 |
| Little Rock: | | | |
| 1-family dwelling | 47,500 | 57,000 | 98,900 |
| 2-family dwelling | | 97,200 | 107,500 |
| 3-family dwelling | | | |
| 4-family dwelling | 122,200 | 134,600 | 158,500 |
| Texarkana: | | | |
| 1-family dwelling | 48,100 | 55,900 | 93,400 |
| 2-family dwelling | | 95,300 | 104,000 |
| 4-family dwelling | | | |
| 4-family dwelling | 123,700 | 134,400 | 156,800 |
| Jonesboro: | | | |
| 1-family dwelling | 45,800 | 55,100 | 93,500 |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| 2-family dwelling | | 91,800 | 102,600 |
| 3-family dwelling | | | |
| 4-family dwelling | 117,000 | 128,700 | 152,900 |
| Fort Smith: | | | |
| 1-family dwelling | 46,900 | 56,400 | 98,200 |
| 2-family dwelling | | 94,700 | 107,400 |
| 3-family dwelling | | | |
| 4-family dwelling | 120,600 | 134,400 | 156,700 |
| Fayetteville: | | | |
| 1-family dwelling | 46,900 | 56,400 | 98,200 |
| 2-family dwelling | | 93,500 | 105,700 |
| 3-family dwelling | | | |
| 4-family dwelling | 120,600 | 132,500 | 156,700 |
| **Field Office: Lubbock, TX** | | | |
| Typical square foot area | 1,036 | 1,390 | 1,700 |
| Amarillo: | | | |
| 1-family dwelling | $45,000 | $69,685 | $96,730 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| El Paso: | | | |
| 1-family dwelling | 47,250 | 75,620 | 100,085 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Lubbock: | | | |
| 1-family dwelling | 44,950 | 69,155 | 94,950 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Midland-Odessa: | | | |
| 1-family dwelling | 45,650 | 74,115 | 105,430 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: New Orleans, LA** | | | |
| Typical square foot area | 980 | 1,470 | 2,260 |
| New Orleans: | | | |
| 1-family dwelling | $48,950 | $78,350 | $133,300 |
| 2-family dwelling | 74,450 | 119,850 | |
| 3-family dwelling | 127,350 | | |
| 4-family dwelling | 144,300 | 232,000 | |
| Baton Rouge: | | | |
| 1-family dwelling | 42,100 | 73,300 | 119,250 |
| 2-family dwelling | 68,700 | 109,550 | |
| 3-family dwelling | 103,150 | | |
| 4-family dwelling | 127,300 | 214,00 | |
| Houma: | | | |
| 1-family dwelling | 43,000 | 64,850 | 114,650 |
| 2-family dwelling | 63,700 | 96,750 | |
| 3-family dwelling | 102,550 | | |
| 4-family dwelling | 122,000 | 199,250 | |
| Lake Charles: | | | |
| 1-family dwelling | 38,550 | 60,950 | 116,900 |
| 2-family dwelling | 60,350 | 94,450 | |
| 3-family dwelling | 96,900 | | |
| 4-family dwelling | 120,800 | 203,000 | |
| Lafayette: | | | |
| 1-family dwelling | 40,800 | 69,900 | 127,150 |
| 2-family dwelling | 66,250 | 105,300 | |
| 3-family dwelling | 100,800 | | |
| 4-family dwelling | 127,300 | 214,000 | |
| **Field Office: Oklahoma City, OK** | | | |
| Typical Square foot area | 1,060 | 1,420 | 1,730 |
| Oklahoma City: | | | |
| 1-family dwelling | $53,900 | $70,900 | $78,850 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Enid: | | | |
| 1-family dwelling | 51,650 | 68,550 | 75,650 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Lawton: | | | |
| 1-family dwelling | 50,900 | 65,850 | 73,050 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Woodward: | | | |
| 1-family dwelling | 52,450 | 68,550 | 75,650 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| 4-family dwelling | | | |
| Ardmore: | | | |
| 1-family dwelling | 51,200 | 66,600 | 74,600 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: San Antonio, TX** | | | |
| Typical Square foot area | 900 | 1,310 | 1,900 |
| San Antonio: | | | |
| 1-family dwelling | $47,500 | $68,900 | $94,500 |
| 2-family dwelling | 72,700 | 80,200 | 106,100 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Austin: | | | |
| 1-family dwelling | 48,400 | 69,800 | 96,900 |
| 2-family dwelling | 72,300 | 79,800 | 106,100 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Corpus Cristi: | | | |
| 1-family dwelling | 50,700 | 71,700 | 96,900 |
| 2-family dwelling | 75,200 | 80,200 | 103,600 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Rio Grande Valley: | | | |
| 1-family dwelling | 46,400 | 66,100 | 88,900 |
| 2-family dwelling | 72,700 | 77,800 | 105,700 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Shreveport, LA** | | | |
| Typical Square foot area | 1,090 | 1,650 | 2,280 |
| Shreveport: | | | |
| 1-family dwelling | $60,350 | 94,300 | $120,900 |
| 2-family dwelling | | | 130,665 |
| 3-family dwelling | | | |
| 4-family dwelling | | | 162,320 |
| Monroe: | | | |
| 1-family dwelling | 55,750 | 88,235 | 110,635 |
| 2-family dwelling | | | 120,780 |
| 3-family dwelling | | | |
| 4-family dwelling | | | 151,753 |
| Alexandria: | | | |
| 1-family dwelling | 58,810 | 91,950 | 116,805 |
| 2-family dwelling | | | 126,425 |
| 3-family dwelling | | | |
| 4-family dwelling | | | 157,265 |
| Marshall: | | | |
| 1-family dwelling | 53,280 | 87,740 | 113,210 |
| 2-family dwelling | | | 124,100 |
| 3-family dwelling | | | |
| 4-family dwelling | | | 156,255 |
| **Field Office: Tulsa, OK** | | | |
| Typical Square foot area | 1,220 | 1,530 | 1,920 |
| Tulsa: | | | |
| 1-family dwelling | $64,530 | $83,636 | $106,390 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Bartlesville: | | | |
| 1-family dwelling | 60,697 | 81,612 | 102,755 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| McAlester: | | | |
| 1-family dwelling | 58,350 | 78,130 | 96,200 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Muskogee: | | | |
| 1-family dwelling | 59,055 | 78,060 | 98,325 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Des Moines, IA** | | | |
| Typical Square foot area | 860 | 1,380 | 2,100 |
| Cedar Rapids: | | | |
| 1-family dwelling | $49,995 | $73,145 | $121,160 |
| 2-family dwelling | 86,575 | 131,770 | |
| 3-family dwelling | | | |
| 4-family dwelling | 130,415 | 164,500 | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| Council Bluffs: | | | |
| 1-family dwelling | 49,275 | 72,170 | 119,500 |
| 2-family dwelling | 85,360 | 129,875 | |
| 3-family dwelling | | | |
| 4-family dwelling | 128,515 | 161,985 | |
| Davenport: | | | |
| 1-family dwelling | 51,430 | 75,100 | 124,590 |
| 2-family dwelling | 88,975 | 135,560 | |
| 3-family dwelling | | | |
| 4-family dwelling | 132,680 | 168,400 | |
| Des Moines: | | | |
| 1-family dwelling | 49,275 | 72,170 | 119,500 |
| 2-family dwelling | 85,360 | 129,875 | |
| 3-family dwelling | | | |
| 4-family dwelling | 128,415 | 161,985 | |
| Mason City: | | | |
| 1-family dwelling | 48,920 | 71,685 | 118,665 |
| 2-family dwelling | 84,775 | 128,900 | |
| 3-family dwelling | | | |
| 4-family dwelling | 127,410 | 160,595 | |
| Sioux City: | | | |
| 1-family dwelling | 48,560 | 71,195 | 117,835 |
| 2-family dwelling | 84,175 | 127,980 | |
| 3-family dwelling | | | |
| 4-family dwelling | 126,410 | 159,295 | |
| Waterloo: | | | |
| 1-family dwelling | 48,995 | 73,145 | 121,160 |
| 2-family dwelling | 86,575 | 131,770 | |
| 3-family dwelling | | | |
| 4-family dwelling | 130,415 | 164,500 | |
| **Field Office: Kansas City, MO** | | | |
| Typical Square foot area | 1,056 | 1,698 | 2,150 |
| Kansas City: | | | |
| 1-family dwelling | $54,000 | $91,000 | $130,400 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Sedalia: | | | |
| 1-family dwelling | 48,000 | 70,250 | 117,950 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Springfield: | | | |
| 1-family dwelling | 53,300 | 66,500 | 104,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| St. Joseph: | | | |
| 1-family dwelling | 52,750 | 69,000 | 113,400 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Topeka: | | | |
| 1-family dwelling | 52,700 | 79,500 | 98,600 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Typical square foot area | 1,056 | 1,698 | 2,150 |
| Pittsburg: | | | |
| 1-family dwelling | $51,100 | $75,300 | $99,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Wichita: | | | |
| 1-family dwelling | 51,500 | 77,200 | 107,800 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Garden City: | | | |
| 1-family dwelling | 49,500 | 75,700 | 99,800 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Omaha, NB** | | | |
| Typical square foot area | 860 | 960 | 1,400 |
| Lincoln: | | | |
| 1-family dwelling | 60,085 | 93,605 | 125,811 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Omaha: | | | |
| 1-family dwelling | 58,020 | 92,830 | 122,720 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| North Platte: | | | |
| 1-family dwelling | 53,155 | 83,805 | 113,790 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Grand Island: | | | |
| 1-family dwelling | 55,660 | 86,060 | 118,855 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Norfolk: | | | |
| 1-family dwelling | 58,535 | 91,285 | 122,720 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Scottsbluff: | | | |
| 1-family dwelling | 55,215 | 87,930 | 115,850 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: St. Louis, MO** | | | |
| Typical square foot area | 1,050 | 1,800 | 2,360 |
| St. Louis: | | | |
| 1 family dwelling | $53,750 | $70,100 | $114,900 |
| 2-family dwelling | | 88,700 | 126,500 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Kirksville: | | | |
| 1 family dwelling | $48,800 | $65,300 | $110,500 |
| 2-family dwelling | | 83,800 | 116,800 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Columbia: | | | |
| 1 family dwelling | $50,100 | $65,300 | $110,700 |
| 2-family dwelling | | 85,000 | 120,800 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Rolla: | | | |
| 1 family dwelling | $50,400 | $65,800 | $109,300 |
| 2-family dwelling | | 87,200 | 119,100 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Cape Girardeau: | | | |
| 1 family dwelling | $49,400 | $65,800 | $108,800 |
| 2-family dwelling | | 83,500 | 118,900 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Casper, WY** | | | |
| Typical square foot area | 900 | 1,430 | 1,700 |
| 1-family dwelling | $59,630 | $99,460 | $114,470 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Cheyenne: | | | |
| 1-family dwelling | 55,396 | 93,900 | 106,820 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Cody-Powell: | | | |
| 1-family dwelling | 57,130 | 91,975 | 102,720 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Gillette: | | | |
| 1-family dwelling | 59,880 | 98,710 | 112,490 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Jackson: | | | |
| 1-family dwelling | 72,365 | 112,535 | 132,370 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Laramie: | | | |
| 1-family dwelling | 56,280 | 95,110 | 108,120 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Riverton: | | | |
| 1-family dwelling | 54,860 | 95,035 | 106,870 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Rock Springs: | | | |
| 1-family dwelling | 57,110 | 100,285 | 114,120 |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Denver, CO** | | | |
| Typical square foot area | 660 | 1,610 | 2,110 |
| Aspen-Carbondale: | | | |
| 1-family dwelling | 92,990 | 131,060 | 178,225 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Colorado Springs: | | | |
| 1-family dwelling | 64,295 | 98,360 | 139,645 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Denver: | | | |
| 1-family dwelling | 71,855 | 104,720 | 149,855 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Durango-Cortez: | | | |
| 1-family dwelling | 66,520 | 95,330 | 130,635 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Fort Collins: | | | |
| 1-family dwelling | 69,970 | 99,285 | 140,245 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Georgetown: | | | |
| 1-family dwelling | 88,950 | 126,025 | 170,190 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Grand Junction: | | | |
| 1-family dwelling | 66,270 | 96,585 | 127,350 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Greeley: | | | |
| 1-family dwelling | 65,785 | 98,350 | 133,635 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Leadville: | | | |
| 1-family dwelling | 64,020 | 93,335 | 133,600 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Pueblo: | | | |
| 1-family dwelling | 56,960 | 84,770 | 126,075 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Rangely: | | | |
| 1-family dwelling | 66,470 | 95,785 | 133,050 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Fargo, ND** | | | |
| Typical Square foot area | 960 | 970 | 1,330 |
| Bismark: | | | |
| 1-family dwelling | $63,740 | $89,370 | $108,415 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Dickinson: | | | |
| 1-family dwelling | 65,070 | 90,375 | 110,775 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Grand Forks: | | | |
| 1-family dwelling | 64,890 | 90,195 | 109,795 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Minot: | | | |
| 1-family dwelling | 65,740 | 92,000 | 113,100 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Fargo: | | | |
| 1-family dwelling | 66,500 | 91,805 | 112,255 |
| 2-family dwelling | | | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Helena, MT** | | | |
| Typical Square foot area | 860 | 1,330 | 1,600 |
| Billings: | | | |
| 1-family dwelling | $52,095 | $85,680 | $114,890 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Bozeman: | | | |
| 1-family dwelling | 56,180 | 94,220 | 123,615 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Butte: | | | |
| 1-family dwelling | 52,290 | 86,745 | 114,680 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Great Falls: | | | |
| 1-family dwelling | 53,510 | 86,095 | 115,335 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Helena: | | | |
| 1-family dwelling | 53,135 | 85,720 | 114,925 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Lewistown: | | | |
| 1-family dwelling | 51,875 | 84,060 | 113,225 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Missoula: | | | |
| 1-family dwelling | 53,200 | 87,785 | 115,025 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Salt Lake City, UT** | | | |
| Typical Square foot area | 890 | 1,110 | 1,640 |
| Salt Lake City: | | | |
| 1-family dwelling | $54,292 | $64,000 | $116,370 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | 151,160 | |
| Provo: | | | |
| 1-family dwelling | 53,925 | 63,860 | 116,755 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | 153,605 | |
| Logan: | | | |
| 1-family dwelling | 52,855 | 58,430 | 114,495 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | 147,665 | |
| Cedar City: | | | |
| 1-family dwelling | 49,700 | 64,040 | 107,935 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | 135,930 | |
| **Field Office: Sioux Falls, SD** | | | |
| Typical square foot area | 900 | 1,450 | 1,700 |
| Aberdeen: | | | |
| 1-family dwelling | $48,875 | $82,245 | $116,620 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Mitchell: | | | |
| 1-family dwelling | 48,430 | 81,600 | 115,175 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Pierre: | | | |
| 1-family dwelling | 50,995 | 84,755 | 118,610 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Rapid City: | | | |
| 1-family dwelling | 51,425 | 86,785 | 121,740 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| Sioux Falls: | | | |
| 1-family dwelling | 51,140 | 86,170 | 120,800 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Watertown: | | | |
| 1-family dwelling | 48,575 | 81,745 | 115,320 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Fresno, CA** | | | |
| Typical square foot area | 1,150 | 1,580 | 2,000 |
| Fresno: | | | |
| 1-family dwelling | $65,250 | $93,500 | $158,500 |
| 2-family dwelling | 102,750 | 155,250 | 255,750 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Modesto: | | | |
| 1-family dwelling | 63,750 | 92,500 | 154,250 |
| 2-family dwelling | 100,250 | 151,500 | 250,000 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Visalia: | | | |
| 1-family dwelling | 60,500 | 88,750 | 148,000 |
| 2-family dwelling | 97,750 | 149,250 | 243,500 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Bakersfield: | | | |
| 1-family dwelling | 62,750 | 93,750 | 152,500 |
| 2-family dwelling | 100,000 | 152,000 | 249,000 |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Honolulu HI** | | | |
| Typical square foot area | 900 | 1,400 | 1,800 |
| Honolulu: | | | |
| 1-family dwelling | $125,000 | $200,000 | $280,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Maui: | | | |
| 1-family dwelling | 125,000 | 190,000 | 250,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Hawaii: | | | |
| 1-family dwelling | 105,000 | 150,000 | 190,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Kauai: | | | |
| 1-family dwelling | 115,000 | 155,000 | 195,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Guam: | | | |
| 1-family dwelling | 65,000 | 115,000 | 140,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Las Vegas, NV** | | | |
| Typical square foot area | 900 | 1,387 | 2,205 |
| Las Vegas: | | | |
| 1-family dwelling | $53,360 | $85,950 | $135,850 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Los Angeles, CA** | | | |
| Typical square foot area | 1,230 | 1,560 | 1,820 |
| Los Angeles: | | | |
| 1-family dwelling | $105,000 | $132,500 | $213,100 |
| 2-family dwelling | 148,900 | | |
| 3-family dwelling | | | |
| 4-family dwelling | 233,500 | 279,400 | |
| Lancaster-Palmdale: | | | |
| 1-family dwelling | 76,200 | 101,100 | 174,500 |
| 2-family dwelling | 112,500 | | |
| 3-family dwelling | | | |
| 4-family dwelling | 193,100 | 234,900 | |
| Ventura-Oxnard: | | | |
| 1-family dwelling | 78,400 | 105,600 | 187,700 |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| 2-family dwelling | 177,900 | | |
| 3-family dwelling | 205,500 | 251,000 | |
| 4-family dwelling | | | |
| Santa Barbara-Ojai-Piru: | | | |
| 1-family dwelling | 99,600 | 126,900 | 206,300 |
| 2-family dwelling | 139,000 | | |
| 3-family dwelling | | | |
| 4-family dwelling | 226,600 | 272,300 | |
| San Luis Obisop-Santa Maria-Paso Robles: | | | |
| 1-family dwelling | 74,400 | 97,000 | 172,000 |
| 2-family dwelling | 110,500 | | |
| 3-family dwelling | | | |
| 4-family dwelling | 190,500 | 227,900 | |
| **Field Office: Phoenix, AZ** | | | |
| Typical square foot area | 840 | 1,240 | 2,370 |
| Phoenix: | | | |
| 1-family dwelling | $41,300 | $79,700 | $156,000 |
| 2-family dwelling | 75,900 | 111,700 | 155,800 |
| 3-family dwelling | 105,100 | 131,900 | |
| 4-family dwelling | 128,100 | 163,800 | 213,400 |
| Flagstaff: | | | |
| 1-family dwelling | 45,600 | 62,400 | 162,940 |
| 2-family dwelling | 76,900 | 114,800 | 156,700 |
| 3-family dwelling | 106,200 | 134,400 | |
| 4-family dwelling | 129,600 | 162,400 | 217,100 |
| Prescott: | | | |
| 1-family dwelling | 43,300 | 77,400 | 148,300 |
| 2-family dwelling | 75,800 | 105,300 | 150,600 |
| 3-family dwelling | 103,700 | 130,700 | |
| 4-family dwelling | 132,400 | 162,500 | 220,600 |
| Yuma: | | | |
| 1-family dwelling | 41,000 | 70,700 | 146,000 |
| 2-family dwelling | 74,400 | 104,700 | 145,800 |
| 3-family dwelling | 102,200 | 124,000 | |
| 4-family dwelling | 124,100 | 151,600 | 203,400 |
| **Field Office: Reno, NV** | | | |
| Typical square foot area | 1,064 | 1,500 | 2,116 |
| Reno-Sparks: | | | |
| 1-family dwelling | 76,000 | 112,00 | 148,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: Sacramento, CA** | | | |
| Typical square foot area | 1,117 | 1,382 | 1,606 |
| Sacramento: | | | |
| 1-family dwelling | $72,234 | $91,683 | $141,251 |
| 2-family dwelling | | 114,044 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Placerville: | | | |
| 1-family dwelling | 72,005 | 90,585 | 138,455 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Chico: | | | |
| 1-family dwelling | 69,774 | 88,360 | 135,875 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Yreka: | | | |
| 1-family dwelling | 70,795 | 89,725 | 136,600 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: San Diego, CA** | | | |
| Typical square foot area | 940 | 1,640 | 2,640 |
| San Diego: | | | |
| 1-family dwelling | $92,862 | $129,715 | $157,540 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| **Field Office: San Francisco, CA** | | | |
| Typical square foot area | | | |
| Alameda County: | | | |
| 1-family dwelling | | $145,700 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| 4-family dwelling | | | |
| Contra Costa County: | | | |
| 1-family dwelling | | 139,900 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Del Norte County: | | | |
| 1-family dwelling | | 105,600 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Humboldt County: | | | |
| 1-family dwelling | | 105,600 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Lake County: | | | |
| 1-family dwelling | | 107,700 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Marin County: | | | |
| 1-family dwelling | | 157,100 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Mendocino County: | | | |
| 1-family dwelling | | 107,700 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Monterey County: | | | |
| 1-family dwelling | | 99,900 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Napa County: | | | |
| 1-family dwelling | | 133,400 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| San Benito County: | | | |
| 1-family dwelling | | 100,300 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| San Francisco County: | | | |
| 1-family dwelling | | 158,600 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| San Mateo County: | | | |
| 1-family dwelling | | 154,500 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Santa Clara County: | | | |
| 1-family dwelling | | 139,400 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Santa Cruz County: | | | |
| 1-family dwelling | | 103,000 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Solano County: | | | |
| 1-family dwelling | | 133,400 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Sonoma County: | | | |
| 1-family dwelling | | 133,400 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Santa Ana, CA**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,120 | 1,713 | 2,185 |
| Santa Ana: | | | |
| 1-family dwelling | 72,000 | 135,000 | 201,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Orange County: | | | |
| 1-family dwelling | | 192,500 | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| 4-family dwelling | | | |
| Victorville: | | | |
| 1-family dwelling | 64,500 | 124,000 | 180,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Indio: | | | |
| 1-family dwelling | 66,750 | 126,750 | 183,250 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Blythe: | | | |
| 1-family dwelling | 65,250 | 124,750 | 159,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Big Bear: | | | |
| 1-family dwelling | 70,250 | 133,750 | 168,500 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Bishop: | | | |
| 1-family dwelling | 66,250 | 127,750 | 163,000 |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Tucson, AZ**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,190 | 1,560 | 1,820 |
| Tucson: | | | |
| 1-family dwelling | $61,900 | $72,000 | $124,700 |
| 2-family dwelling | 75,100 | 89,100 | 146,300 |
| 3-family dwelling | | | |
| 4-family dwelling | 145,700 | | |
| Sierra Vista: | | | |
| 1-family dwelling | 57,000 | 65,700 | 116,800 |
| 2-family dwelling | 74,000 | 87,800 | 133,700 |
| 3-family dwelling | | | |
| 4-family dwelling | 142,600 | 169,200 | |
| Douglas: | | | |
| 1-family dwelling | 52,400 | 57,900 | |
| 2-family dwelling | 68,000 | 77,400 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Safford: | | | |
| 1-family dwelling | 54,100 | 60,100 | |
| 2-family dwelling | 70,300 | 79,900 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Willcox: | | | |
| 1-family dwelling | 52,000 | 60,400 | |
| 2-family dwelling | 67,600 | 80,300 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Nogales: | | | |
| 1-family dwelling | 50,700 | 57,100 | |
| 2-family dwelling | 65,900 | 76,000 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |

**Field Office: Anchorage, AK**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,020 | 1,450 | 1,800 |
| Anchorage: | | | |
| 1-family dwelling | $119,565 | $165,450 | $219,780 |
| 2-family dwelling | 194,250 | 262,470 | 334,370 |
| 3-family dwelling | 229,075 | 321,690 | 421,215 |
| 4-family dwelling | 392,885 | 423,030 | 542,635 |
| Fairbanks: | | | |
| 1-family dwelling | 97,765 | 143,480 | 194,215 |
| 2-family dwelling | 162,577 | 233,315 | 311,620 |
| 3-family dwelling | 205,155 | 298,080 | 398,215 |
| 4-family dwelling | 270,090 | 397,220 | 513,235 |
| Juneau: | | | |
| 1-family dwelling | 109,990 | 154,770 | 198,545 |
| 2-family dwelling | 185,460 | 254,520 | 325,685 |
| 3-family dwelling | 220,750 | 314,530 | 415,330 |
| 4-family dwelling | 280,040 | 406,480 | 522,235 |

**Field Office: Boise, ID**

| | | | |
|---|---|---|---|
| Typical square foot area | 910 | 1,220 | 2,340 |
| Boise: | | | |
| 1-family dwelling | $55,615 | $66,665 | $107,505 |
| 2-family dwelling | 72,750 | 81,170 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 169,210 | |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| Idaho Falls: | | | |
| 1-family dwelling | 54,055 | 64,475 | 103,790 |
| 2-family dwelling | 69,925 | 77,720 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 164,345 | |
| McCall: | | | |
| 1-family dwelling | 55,435 | | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Pocatello: | | | |
| 1-family dwelling | 56,440 | 67,255 | 108,175 |
| 2-family dwelling | 73,510 | 81,590 | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Lewiston: | | | |
| 1-family dwelling | 54,790 | | |
| 2-family dwelling | | | |
| 3-family dwelling | | | |
| 4-family dwelling | | | |
| Coeur d' Alene: | | | |
| 1-family dwelling | 56,810 | 68,700 | 109,875 |
| 2-family dwelling | 74,429 | 82,085 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 174,375 | |
| Twin Falls: | | | |
| 1-family dwelling | 55,250 | 66,155 | 108,035 |
| 2-family dwelling | 76,127 | 81,175 | |
| 3-family dwelling | | | |
| 4-family dwelling | | 172,660 | |

**Field Office: Seattle, WA**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,090 | 1,130 | 1,340 |
| Seattle: | | | |
| 1-family dwelling | $76,095 | $86,960 | $95,335 |
| 2-family dwelling | 97,605 | 119,665 | 154,940 |
| 3-family dwelling | | 178,940 | |
| 4-family dwelling | | 239,330 | |
| Bellingham: | | | |
| 1-family dwelling | 74,065 | 84,770 | 93,010 |
| 2-family dwelling | 95,285 | 116,965 | 150,680 |
| 3-family dwelling | | 174,815 | |
| 4-family dwelling | | 235,510 | |
| Olympia-Port Angeles: | | | |
| 1-family dwelling | 73,100 | 84,035 | 92,595 |
| 2-family dwelling | 94,805 | 116,950 | 151,415 |
| 3-family dwelling | | 176,540 | |
| 4-family dwelling | | 237,740 | |
| Aberdeen: | | | |
| 1-family dwelling | 71,255 | 81,940 | 90,340 |
| 2-family dwelling | 92,605 | 114,405 | 148,330 |
| 3-family dwelling | | 173,245 | |
| 4-family dwelling | | 233,675 | |
| Longview: | | | |
| 1-family dwelling | 70,375 | 80,802 | 88,910 |
| 2-family dwelling | 91,180 | 112,470 | 145,520 |
| 3-family dwelling | | 169,420 | |
| 4-family dwelling | | 229,205 | |
| Yakima: | | | |
| 1-family dwelling | 69,800 | 80,015 | 86,605 |
| 2-family dwelling | 90,195 | 110,675 | 142,740 |
| 3-family dwelling | | 116,770 | |
| 4-family dwelling | | 224,500 | |

**Field Office: Spokane, WA**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,000 | 1,050 | 1,100 |
| Spokane: | | | |
| 1-family dwelling | $47,380 | $62,465 | $83,625 |
| 2-family dwelling | 62,775 | 78,270 | 104,230 |
| 3-family dwelling | | | |
| 4-family dwelling | 101,080 | 116,365 | 137,430 |
| Pullman: | | | |
| 1-family dwelling | 46,825 | 55,620 | 88,895 |
| 2-family dwelling | 64,100 | 81,085 | 108,905 |
| 3-family dwelling | | | |
| 4-family dwelling | 103,540 | 121,190 | 145,780 |
| Kennewick: | | | |
| 1-family dwelling | 47,915 | 72,855 | 102,690 |
| 2-family dwelling | 71,645 | 89,590 | 116,410 |
| 3-family dwelling | | | |
| 4-family dwelling | 118,695 | 134,370 | 155,985 |

**Field Office: Portland, OR**

| | | | |
|---|---|---|---|
| Typical square foot area | 1,150 | 1,700 | 2,100 |

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

| Market area | Low range | Medium range | High range |
|---|---|---|---|
| Portland: | | | |
| 1-family dwelling | $63,330 | $74,030 | $89,830 |
| 2-family dwelling | 97,800 | 107,775 | 123,585 |
| 3-family dwelling | 148,410 | 162,200 | 185,720 |
| 4-family dwelling | 179,185 | 196,655 | 225,645 |
| Bend-Coos Bay-Eugene: | | | |
| 1-family dwelling | 62,400 | 73,900 | 88,560 |
| 2-family dwelling | 95,835 | 108,555 | 122,970 |
| 3-family dwelling | 149,020 | 161,375 | 184,800 |
| 4-family dwelling | 177,495 | 194,810 | 222,800 |
| Medford: | | | |
| 1-family dwelling | 62,150 | 72,360 | 85,315 |
| 2-family dwelling | 94,430 | 105,835 | 121,910 |
| 3-family dwelling | 146,990 | 160,785 | 184,310 |
| 4-family dwelling | 177,830 | 195,165 | 224,260 |

[FR Doc. 85-9216 Filed 4-17-85; 8:45 am]

BILLING CODE 4210-27-M

## Office of Administration

**[Docket No. N-85-1522]**

## Submission of Proposed Information Collections to OMB

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notices.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Fishman, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** David S. Cristy, Report Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washigton, D.C. 20410, telephone (202) 755-6050. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Proposal: Application for Transfer of Physical Assets
Office: Housing
Form No.: HUD-92266
Frequency of submission: On Occasion
Affected public: Businesses or Other For-Profit and Non-Profit Institutions
Estimated burden hours: 32,200
Status: Extension
Contact: S. Daniel Raley, HUD, (202) 755-5730, Robert Neal, OMB, (202) 395-7316

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 15, 1985.

Proposal: Application for Coinsurance Benefits (Multifamily)—State Agencies
Office: Adminstration
Form No.: HUD-426, 426A, 426.1, and 427
Frequency of submission: On Occasion
Affected Public: State or Local Governments
Estimated burden hours: 30
Status: Extension
Contact: Eugene Morroni, HUD, (202) 755-7523, Robert Fishman, OMB (202) 395-7316

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 27, 1985.

Proposal: Multifamily Coinsurance Claims Package 223(f)
Office: Administration
Form No.: HUD-27008, 27009B, 27009D, and 27009F
Frequency of submission: On Occasion
Affected public: Businesses or Other For-Profit
Estimated burden hours: 60
Status: Extension
Contact: Eugene Morroni, HUD (202) 755-7523, Robert Fishman, OMB, (202) 395-7316

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 27, 1985.

Proposal: Claim for Payment of HUD Security Deposit Guarantee and Compensation for Vacancy Loss
Office: Housing
Form No.: HUD-52676
Frequency of submission: On Occasion
Affected public: State or Local Governments
Estimated burden hours: 352,750
Status: Revision
Contact: Myra Newbill, HUD, (202) 755-7570, Robert Fishman, OMB, (202) 395-7316

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 9, 1985.

Proposal: Evaluation of the Housing Voucher Demonstration Program
Office: Policy Development and Research
Form No.: None
Frequency of submission: On Occasion
Affected public: Individuals or Households and Non-Profit Institutions
Estimated burden hours: 8,282
Status: New
Contact: Howard Hammerman, HUD, (202) 755-5574, Robert Neal, OMB, (202) 395-7316

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 5, 1985.

Proposal: American Housing Survey—1985 National Sample
Office: Policy Development and Research
Form No.: AHS-21, 22, 23, 26, and 28
Frequency of submission: Biennially
Affected public: Individuals or Households
Estimated burden hours: 26,300
Status: New
Contact: Duane T. McGough, HUD, (202) 755-5060, Arthur F. Young, Census, (301) 763-2863, Robert Neal, OMB, (202) 395-7316

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 25, 1985.

**Dennis F. Geer,**

*Director, Office of Information Policies and Systems.*

[FR Doc. 85-9349 Filed 4-17-85; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and the Office of Management and Budget Interior Desk Officer at (202) 395–7313.

Title: Subchapter N—Economic Enterprises. Applications and Requirements (25 CFR Part 286).

Abstract: To provide financial assistance to Tribes, Tribal organizations, and individuals through the Indian Business Development Program to promote economic development on or near reservations. The forms require certain financial data, background information, project feasiblity, and financial solvency to determine the eligibility and potential success of the business.

Note.—This is not a new program or a new information collection by BIA. Bureau Form Numbers: BIA Form 8001, BIA Form 8004, BIA Form 8005.

Frequency: On occasion.

Description of Respondents: Individual Indians and Indian Organizations.

Annual Responses: 700.

Annual Burden Hours: 630 hours.

Bureau Clearance Officer: Ramona Moore (202) 343–3574.

March 4, 1985.

John W. Fritz,

*Assistant Secretary: Indian Affairs.*

[FR Doc. 85–9404 Filed 4–17–85; 8:45 am]

BILLING CODE 4310-02-M

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### Poarch Band of Creeks Establishment of Reservation

April 12, 1985.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1. In the absence of the Assistant Secretary—Indian Affairs, 209 DM 8.3A authorizes the Deputy Assistant Secretary—Indian Affairs final approval authority. Notice is hereby given that, under the authority of section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), the hereinafter described tracts of land, located in Elmore and Escambia Counties, Alabama, were proclaimed to be an Indian reservation, effective April 12, 1985 for exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservation.

**Saint Stephans Meridian, Elmore and Escambia Counties, Alabama**

*Elmore County*

T. 18 N., R. 18 E.,

"Commerce at the Southeast corner of Section 24, Township 18, Range 18, Elmore County, Alabama, and run thence West along section line a distance of 900.0 feet; thence N 1°02' West along West property line of Southern Natural Gas Co., a distance of 340 feet; thence N. 19°09' East a distance of 1019.03 feet to West right of way of U.S. Highway 231; thence S. 78°16' West a distance of 316.80 feet; thence N 59°56' West a distance of 440 feet; thence N 30°04' E a distance of 875 feet; thence 59°56' East a distance of 489.46 feet to the point of beginning of tract herein conveyed; thence N 9°04' East a distance of 231.24 feet; thence N 8°56' East a distance of 150.26 feet; thence N 80°59' W a distance of 17.41 feet; thence N 0°39' E a distance of 120.0 feet; thence N 89°29' W a distance of 97.56 feet; thence N 0°21' W a distance of 665 feet; thence N. 89°39' East a distance of 50.0 feet; thence N 0°21' West a distance of 645.87 feet (said point shall be hereinafter called "Point A" for a 60.0 foot easement described below); thence continue N 0°21' West a distance of 495 feet; thence N 70°42' W a distance of 425 feet, more or less, to the East bank of the Coosa River; thence run Southwesterly along said East bank a distance of 1960 feet, more or less; thence S. 59°56' East a distance of 1264.46 feet, more or less, to the point of beginning, said tract being located in the East Half of Section 24, Township 18, Range 18, Elmore County, Alabama, and containing 35.8 acres, more or less,

Less and except a 60 foot by 60 foot easement on the Northeast corner for rights of egress and ingress;

Also: a 60 foot easement described as beginning at "Point A" in above description and run thence N. 89°39' East a distance of 254.81 feet, more or less, to the West right of way of U.S. Highway 231 and South Main Street in the City of Wetumpka, Alabama, and said bearing and distance being the centerline of a 60 foot easement to above described property."

*Escambia County, Alabama*

T. 2 N., R. 5 E.,

"All of the South Half of Northeast Quarter of Southwest Quarter lying West of Jack Springs Road;

Also a strip on the East end of the South Half of Northwest Quarter of Southwest Quarter described as follows: Begin at Southeast corner of said 20 acres, thence West one chain and 99 links; thence North 3 degrees East 10 chains and eight links; thence East one chain and 46 links; thence South along East line of said 20 acres to point of beginning, containing 1.72 acres, more or less;

All in section 27, Township 2 North, Range 5 East, containing in the aggregate 17.74 acres, more or less, being the same lands conveyed by the State of Alabama to the Board of Education of Escambia County by deed recorded in Deed Book 250, pages 281 et seq. and by the latter to the former by deed dated May 14, 1975 and recorded in Deed Book 313, pages 113 et seq."

"All of the Southeast Quarter of Southwest Quarter lying South of the old Swift-Hunter Lumber Company railway right of way, less and except the following parcels:

Beginning at the Southwest corner of said Southeast Quarter of Southwest Quarter, thence run North 210 feet; thence run East 440 feet; thence run South 210 feet; thence run West 440 feet to the point of beginning, containing 2.1 acres, more or less;

Beginning at the Southeast corner of said Southeast Quarter of Southwest Quarter, thence run West 167 feet; thence run North 250 feet; thence run East 167 feet; thence run South 250 feet to the point of beginning, containing one acre, more or less;

Containing 15.3 acres, more or less.

Commencing at the Southwest corner of Southwest Quarter of Southeast Quarter, thence run East 196 feet; thence run North 210 feet; thence run North 28° East 131 feet; thence run North 29° West parallel with Jack Springs Road 210 feet; thence at an angle of 90° to the right run 210 feet to the West right-of-way line of Jack Springs Road; thence run North 29° West along said West right-of-way line 400 feet to a point which is 226 feet, measured along said West right-of-way line Southeasterly from the intersection of said West right-of-way line with the West line of said SW¼ of SE¼; thence turn an angle of 90° to the left and run 135 feet to a point on the West line of said SW¼ of SE¼ which is 267 feet South of the intersection of said West line with the West right-of-way line of Jack Springs Road; thence run South 881 feet to the point of beginning, containing 4.7 acres, more or less; all in Section 27, Township 2 North, Range 5 East."

"North Half of Northwest Quarter of Southwest Quarter, and that part of the South Half of Northwest Quarter of Southwest Quarter lying West of the public road known as Old Sullivan Mill Road, less and except the following parcels:

*Exception One:* Beginning at a point which is 240 feet South of the Northeast corner of said Northwest Quarter of Southwest Quarter; thence run South 408 feet to the North margin of roadway; thence run West along said North margin 154 feet; thence run South along the West margin of roadway 12 feet; thence run West 56 feet; thence run North 420 feet; thence run East 210 feet to the point of beginning, containing two acres, more or less;

*Exception Two:* Beginning at the Southwest corner of the Northwest Quarter of Southwest Quarter, thence run East 1145 feet to public road; thence run North 3 degrees 15 minutes East 380 feet along said road; thence run West 1167 feet; thence run South 380 feet to

the point of beginning, containing 10 acres, more or less;

All in Section 27, Township 2 North, Range 5 East, containing 25 acres, more or less."

"North Half of Southeast Quarter of Section 28, Township 2 North, Range 5 East, containing 80.00 acres, more or less."

"A tract of land consisting of 40 acres in the Northeast Quarter of Section 34, Township 2 North, Range 5 East bounded on the East by Jack Springs Road, bounded on the West by the West line of said Northeast Quarter; bounded on the North by the North line of said Northeast Quarter; and bounded on the South by a line parallel to the latter line."

T. 2 N., R. 6 E.,

"Beginning at a point on the West line of Alabama Highway No. 21 which is 577.5 feet North of the South line of Northwest Quarter of Southwest Quarter of Section 28, Township 2 North, Range 6 East; thence run South 28°32' West along the West line of said highway 750 feet; thence run North 84°40' West 555.80 feet to make or form the starting point; thence coutinue North 84°40' West 950.20 feet to the East line of Escambia County Road 14; thence run South 39°30' East along the East line of said Road 14 a distance of 450 feet; thence run in an Easterly direction along the curve of the North line of said Road 14 a distance of 690 feet (chord: S 67°15' E 663.6 feet); thence run North 85°15' East along the North line of said Road 14 a distance of 172.6 feet; thence run North 13°51' West 511.73 feet to the point of beginning, lying partly in Southeast Quarter of Southeast Quarter and partly in Northeast Quarter of Southeast Quarter of Section 29, Township 2 North, Range 6 East, in Escambia County, Alabama."

The above described parcels contain a total of 229.54 acres, more or less which are subject to all valid rights, reservations, rights-of-way, and easements of record.

John W. Fritz,

*Deputy Assistant Secretary, Indian Affairs.*

[FR Doc. 85-9416 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-02-M

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## Bureau of Land Management

**[Coal Lease Application ES 32662]**

## Tuscaloosa County, AL; Public Hearing and Availability of Environmental Assessment

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public hearing and availability of environmental assessment.

**SUMMARY:** The Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, hereby gives notice that a public hearing will be held on May 9, 1985, at 10:00 a.m., in the Public Room, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Application has been made to the United States under the emergency coal leasing regulation, 43 CFR 3425.1-4, that it offer for lease certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental Assessment and on the following items.

1. The method of mining to be employed to obtain maximum economic recovery of the coal;

2. The impact that mining the coal in the proposed leasehold may have on the area including but not limited to impacts on the environment; and

3. Methods of determining the fair market value (FMV) of the coal to be offered.

Written requests to testify orally at the May 9, 1985, public hearing should be received at the Eastern States Office, Bureau of Land Management, address set out above, prior to the close of business at 4:00 p.m., on May 8, 1985. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of 10 minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments may also be submitted to the Eastern States Office at the above address, prior to close of business on May 8, 1985.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the FMV of the coal resource to the Bureau of Land Management. Public comments will be utilized in establishing FMV for the coal resources in the described lands.

Comments should address specific factors related to FMV, including, but not limited to: The quantity and quality of the coal resources, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms and conditions, may also be submitted at this time.

These comments will be considered in the final determination of FMV as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.12. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to the State Director, Bureau of Land Management, at the above address.

**Application ES 32662 (310 Acres) (East Poplar Hollow Tract)**

The coal resource to be offered is to be *Surface Mined* from the middle seam of the Utley Group (Middle Utley Coal Bed) which is on private surface located in Sections 3, 4 and 9, T. 17 S., R. 9 W., Tuscaloosa County, Alabama. The complete description is available at the Eastern States Office at the address set out above, or at the Bureau of Land Management, Jackson District Office, P.O. Box 11348, Delta Station, Jackson, Mississippi 39213.

The Environmental Assessment will be available for review in the Jackson District Office, Jackson, Mississippi, or in the Eastern States Office, Bureau of Land Management, at the above address. Single copies are available for distribution upon request from the Eastern States Office.

A copy of the Environmental Assessment, the case file and the comments by the public on FMV, except for proprietary information excluded by the Freedom of Information Act, will be available for public inspection at the Eastern States Office, Bureau of Land Management, at the address set out above.

We have found that the range of quality of the Middle Utley coal bed within the East Poplar Hollow tract is as follows:

1. Moisture (%), 1.4-2.4
2. Ash (%), 6.6-11.7
3. Sulfur (%), 1.6-3.9
4. Btu/lb. 13,109-14,000
5. Approx. tons in place, 132,000

**FOR FURTHER INFORMATION CONTACT:** Ms. Barbara Coalgate, Bureau of Land Mangement, Eastern States Office, 350

South Pickett Street, Alexandria, Virginia 22304, (703) 274–0149.

**Lane J. Bouman,**

*Acting State Director.*

[FR Doc. 85–8784 Filed 4–17–85; 8:45 am]

BILLING CODE 4310-GJ-M

## Idaho; Filing of Plat of Survey

April 8, 1985.

The plats of survey of the following described land were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, on the dates hereinafter stated:

**Boise Meridian**

T. 62 N., R. 3 E., Accepted February 4, 1985, Officially filed February 25, 1985.
T. 7 N., R. 27 E., Accepted February 4, 1985, Officially filed February 27, 1985.

The above plat represent surveys, dependent resurveys, and subdivisions of sections.

Inquiries about these lands should be addressed to Chief, Branch of Cadastral Survey, Idaho State Office, 3380 Americana Terrace, Boise, Idaho, 83706.

**Sharron Deroin,**

*Chief, Land Services Section.*

[FR Doc. 85–9327 Filed 4–17–85; 8:45 am]

BILLING CODE 4310-84-M

[M 60958]

## Conveyance and Order Providing for Opening of Public Lands; Montana

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Conveyance and Order Providing for Opening of Public Land in Carter County, Montana.

**SUMMARY:** This order will open the lands reconveyed in an exchange under the Act of October 21, 1976, 43 U.S.C. 1701, et seq., to the operation of the public land laws. No minerals were transferred by either party in the exchange.

This notice also informs the public and interested state and local governmental officials of the issuance of the conveyance document.

**DATE:** At 9 a.m. on June 10, 1985, the lands reconveyed to the United States shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands described in paragraph 1 below were segregated from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange, by the Notice of Realty Action published in the **Federal Register** on November 2, 1984 (49 FR 44153). The segregation terminated on issuance of the patent on April 5, 1985.

**FOR FURTHER INFORMATION CONTACT:** Edward H. Croteau, Chief, Lands Adjudication Section, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, Phone (406) 657–6082.

**SUPPLEMENTARY INFORMATION:** 1. Notice is hereby given that pursuant to section 206 of the Act of October 21, 1976 (43 U.S.C. 1716), the following described surface estate was conveyed to Richard Owen and Clarice Owen:

**Principal Meridian Montana**

T. 5 S., R. 57 E.,
Sec. 6, SE¼SW¼;
Sec. 7, NE¼NW¼;
Sec. 21, SE¼SW¼;
Sec. 28, SW¼NE¼;
T. 5 S., R. 58 E.,
Sec. 21, SE¼SE¼;
Sec. 22, SE¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 27, E½NW¼, N½NE¼SW¼;
Sec. 28, NE¼NW¼;
Sec. 29, NE¼NE¼.
Aggregating 500 acres.

2. In exchange for the above selected land, the United States acquired the surface estate of the following lands in Carter County, Montana:

**Principal Meridian, Montana**

T. 5 S., R. 57 E.,
Sec. 3, lot 4;
Sec. 4, lot 1, SE¼NE¼, SE¼SE¼;
Sec. 7, SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 8, W½NE¼, S½NW¼, NW¼SW¼.
Containing 558.42 acres.

3. The values of the Federal public land and the non-Federal land in the exchange were both appraised at $53,500.

4. At 9 a.m. on June 10, 1985, the lands described in paragraph 2 above that were conveyed to the United States will be open to the operation of the public land laws.

**John A. Kwiatkowski,**

*Deputy State Director, Division of Lands and Renewable Resources.*

April 11, 1985.

[FR Doc. 85–9328 Filed 4–17–85; 8:45 am]

BILLING CODE 4310-DN-M

## New Mexico; Notice of Filing of Plat of Survey

April 11, 1983.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe New Mexico, effective at 10:00 a.m. on April 11, 1985.

The dependent resurvey of a portion of the subdivisional lines and the subdivision of section 28, of Township 19 South, Range 4 West, of the New Mexico Principal Meridian, New Mexico, under Group 819.

This survey was requested by the District Manager, Las Cruces, New Mexico.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

**Cary S. Speight,**

*Chief, Branch of Cadastral Survey.*

[FR Doc. 85–9340 Filed 4–17–85; 8:45 am]

BILLING CODE 4310-FB-M

[OR–19466, OR–21723]

## Oregon; Proposed Continuation of Withdrawals

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Department of the Army, Corps of Engineers, proposes that two land withdrawals for the Columbia River at the Mouth Project continue for a additional 100 years. The lands would remain closed to surface entry and mining but have been and would remain open to mineral leasing.

**FOR FURTHER INFORMATION CONTACT:** Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208 (Telephone 503–231–6905)

**SUPPLEMENTARY INFORMATION:** The Department of the Army, Corps of Engineers proposes that the existing land withdrawals made by the Executive Orders of February 26, 1852 and August 29, 1863, be continued for a period of 100 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The lands involved include Sand Island and Point Adams which are located near the mouth of the Columbia River in Clatsop County, Oregon. Approximately 280 acres are affected.

The purpose of the withdrawals is to protect the Columbia River at the Mouth Project. The withdrawals segregate the lands from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments,

suggestions, or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: April 11, 1985.

**Champ C. Vaughan, Jr.,**

*Acting Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 85-9330 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-33-M

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[W-37489]

## Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, § 3108.2-1(c), and Pub. L. 97-451, a petition for reinstatement of oil and gas lease W-37489 for lands in Converse County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessees have agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or faction thereof, per year and 16⅔ percent, respectively.

The lessees have paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessees have met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-37489 effective January 1, 1982, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

**Judith A. Moffitt,**

*Acting Chief, Leasing Section.*

[FR Doc. 85-9334 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-22-M

## Cedar City District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Cedar City District Advisory Council will be held May 14, 1985.

The meeting will begin at 9:30 a.m. at the BLM's Cedar City District Office, 1579 North Main, Cedar City, Utah. The agenda will include discussions of wildlife related issues in Iron, Beaver, and Garfield Counties, an update on the BLM/FS Interchange, and current status on projects the Council has previously addressed.

All Advisory Council meetings are open to the public. Those wishing to accompany the Council on the field portion of the meeting should provide their own transportation and lunch. Interested persons may make oral statements at 9:30 a.m. at the BLM District Office or may submit written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by May 10, 1985. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman.

**J. Kent Giles,**

*Acting District Manager.*

April 12, 1985.

[FR Doc. 85-9323 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-DQ-M

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## Idaho Falls District Grazing Advisory Board; Meeting

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Meeting of the Idaho Falls District Grazing Advisory Board.

**SUMMARY:** The Idaho Falls District Grazing Advisory Board will meet Monday, June 3, 1985. Notice of this meeting is in accordance with Pub. L. 92-463. The meeting will begin at 9 a.m. at the Pocatello Resource Area Office in the Pocatello Federal Building at 250 South 4th Ave. The meeting is open to the public; public comments on agenda items will be accepted from 12:45 to 1:15 p.m. at the covered picnic area across from the hot pool at Lava Hot Springs, Idaho.

The meeting will consist of a tour of BLM projects and programs in the Pocatello Resource Area. Topics to be covered include noxious weeds, range improvement projects, recreation programs and interagency coordination.

Participants will need to provide transportation and lunch.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) within 30 days after the meeting.

**FOR FURTHER INFORMATION CONTACT:** O'dell A. Frandsen, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401; Telephone: (208) 529-1020.

April 12, 1985.

**O'dell A. Frandsen,**

*District Manager.*

[FR Doc. 85-9402 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-GG-M

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[Group 699; 4-19952-ILM-940]

## California; Filing of Plat of Survey

April 10, 1985.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, effective 7:30 a.m. on May 27, 1985:

**Mount Diablo Meridian, Tulare County**

T. 23 S., R. 37½ E.

2. This plat, representing the survey of the subdivisional lines, of Township 23 South, Range 37½ East, Mount Diablo Meridian, California, under Group No. 699, California, was accepted March 11, 1985.

3. This plat will at and after 7:30 a.m. of the above date, become the basic record for describing the land for all authorized purposes. Until this date and time, the plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

**Herman J. Lyttge,**

*Chief, Records and Information Section.*

[FR Doc. 85-9405 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-40-M

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[Group 843; 4-19952-ILM-940]

## California; Filing of Plat of Survey

April 10, 1985.

1. This plat of survey of the following described land will be officially filed in

the California State Office, Sacramento, California, immediately:

**Mount Diablo Meridian, Butte County**

T. 24 N., R. 3 E.

2. This plat, representing the dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, and Mineral Survey No. 5604, and the survey of the subdivision of section 24, Township 24 North, Range 3 East, Mount Diablo Meridian, under Group No. 843, California, was accepted march 12, 1985.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

**Herman J. Lyttge,**

*Chief, Records and Information Section.*

[FR Doc. 85-9406 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-40-M

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**[C-1-85; 4-19952-ILM-940]**

## California; Filing of Plat Survey

April 10, 1985.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

**Mount Diablo Meridian, Nevada County**

T. 16 N., R. 9 E.

2. This supplemental plat of W½ of section 18, T. 16 N., R. 9 E., M.D.M., California, showing amended lottings created by the cancellation of the segregation survey of the New Mohawk Mine, the Orleans No. 3 Gold Mine, Lot 64, of M.S. 1467 and a portion of the Gold Flat Quartz Mine, Lot 79, of M.S. 2486, is based upon the plats approved August 28, 1867 and August 22, 1932, diagrams dated August 21, 1873, March 5, 1880, May 26, 1881, February 9, 1882, March 23, 1883, October 4, 1883, October 4, 1887, July 12, 1898, August 1, 1899, February 4, 1904 and the mineral survey records, was accepted February 22, 1985.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

**Herman J. Lyttge,**

*Chief, Records and Information Section.*

[FR Doc. 85-9407 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-40-M

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**[Group 699; 4-19952-ILM-940]**

## California; Filing of Plat of Survey

April 10, 1985.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

**Mount Diablo Meridian, Tulare County**

T. 23 S., R. 37 E.

2. This plat, representing the corrective dependent resurvey of a portion of the south boundary, and the east half of the north boundary of section 36, the dependent resurvey of a portion of the east boundary of Township 23 South, Range 37 East with corners marked for the west boundary of Township 23 South, Range 37½ East, and a portion of the subdivisional lines of Township 23 South, Range 37 East, Mount Diablo Meridian, California, under Group No. 699, California, was accepted March 11, 1985.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

**Herman J. Lyttge,**

*Chief, Records and Information Section.*

[FR Doc. 85-9408 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-40-M

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**[W-42596]**

## Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a)(b)(1), a petition for reinstatement of oil and gas lease W-42596 for lands in Campbell County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16-⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-42596 effective January 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

**Judith A. Moffitt,**

*Acting Chief, Leasing Section.*

[FR Doc. 85-9400 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-22-M

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**[W-37506]**

## Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a)(b)(1), a petition for reinstatement of oil and gas lease W-37506 for lands in Johnson County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-37506 effective January 1, 1985, subject to the original terms and conditions of the lease and the

increased rental and royalty rates cited above.

Judith A. Moffitt,

*Acting Chief, Leasing Section.*

[FR Doc. 85-9401 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-22-M

[W-82174]

### Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 31-245, and Title 43 Code of Federal Regulations, § 3108.2-1(c), and Pub. L. 97-451, a petition for reinstatement of oil and gas lease W-82174 for lands in Sweetwater County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-82174 effective January 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

*Chief, Leasing Section.*

[FR Doc. 85-9403 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-22-M

## Fish and Wildlife Service

### "Wetlands of the United States: Current Status and Recent Trends"

**AGENCY:** U.S. Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Fish and Wildlife Service announces availability of the above mentioned report. This report was prepared by the U.S. Fish and Wildlife Service to inform the general public, government agencies, private industry and others about the present status of U.S. wetlands.

**ADDRESS:** Copies of this report are available for $3.00 per copy from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. To order by mail, please provide the following information: The name of the publication and the GPO Stock Number. "Wetlands of the United States: Current Status and Recent Trends" (GPO Stock Number 024-010-00656-1) and a check or money order.

**FOR FURTHER INFORMATION CONTACT:** Dr. Bill O. Wilen, National Coordinator, Wetlands Inventory, Department of the Interior, U.S. Fish and Wildlife Service at (202) 343-2618.

**SUPPLEMENTARY INFORMATION:** The 59-page report identifies where wetlands are in greatest jeopardy from the national standpoint and presents existing information on wetland trends. It includes general discussions of the concept of wetland, major U.S. wetland types, and wetland values. The future of America's remaining wetlands is also discussed..

Dated: March 28, 1985.

Robert A. Jantzen,

*Director.*

[FR Doc. 85-9283 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-55-M

## Minerals Management Service

### Development Operations Coordination Document

**AGENCY:** Minerals Management Service.

**ACTION:** Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Conoco Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0184, Block 72, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Morgan City and Cameron, Louisiana.

**DATE:** The subject DOCD was deemed submitted on April 12, 1985.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Ms. Angie D. Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 12, 1985.

John L. Rankin,

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-9324 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-MR-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

**AGENCY:** Minerals Management Service, Department of the Interior.

**ACTION:** Notice of the Receipt of a Proposed Development Operations Coordination Document.

**SUMMARY:** This Notice announces that Conoco Inc., Unit Operator of the West Delta/Grand Isle Federal Unit Agreement No. 14-08-001-2454, submitted on March 22, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the West Delta Grand Isle Federal unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0159.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document

available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 9, 1985.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-9335 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-MR-M

## Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A.

**AGENCY:** Minerals Management Service, Department of the Interior.

**ACTION:** Notice of the Receipt of a Proposed Development Operations Coordination Document.

**SUMMARY:** This Notice announces that Chevron U.S.A. Inc., Unit Operator of the Main Pass Block 299 Federal Unit Agreement No. 14-08-0001-8850, submitted on April 9, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Main Pass Block 299 Federal unit.

The purposes of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Mineral Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1985.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-9322 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-MR-M

## INTERSTATE COMMERCE COMMISSION

**[Docket No. AB-6 (Sub-248)]**

## Burlington Northern Railroad Co.; Abandonment in Pemiscot County, MO; Notice of Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 8.0-mile rail line between Hayti (milepost 212.90) and Caruthersville (milepost 220.90) in Pemiscot County, MO. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.

**James H. Bayne,**

*Secretary.*

[FR Doc. 85-9354 Filed 4-17-85; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

## Lodging of Consent Decree Pursuant to Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 28, 1985 a proposed consent decree in *United States of America* v. *LFE Corporation, Inc.*, C.A. 85-1196-G, was lodged with the United States District Court, District of Massachusetts. The complaint filed by the United States alleged that LFE Corporation, Inc. ("LFE") an electroplating facility for the production of printed circuit boards, violated the Clean Water Act by discharging wastewater pollutants, into a publicly owned treatment works in violation of national pretreatment requirements for electroplaters. The complaint alleged that LFE also violated various pretreatment reporting requirements. The proposed consent decree requires LFE to pay a civil penalty of $56,000 for past violations and to install pollution control equipment necessary to comply with applicable pretreatment requirements by April 22, 1985 and to comply with pretreatment discharge limitations by May 22, 1985.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *LFE Corporation, Inc.*, Department of Justice Reference 90-5-1-1-2270.

The proposed consent decree may be examined at the Office of the United States Attorney, John McCormack Post Office and Courthouse Building, Devonshire Street, Boston, Massachusetts 02109 and at the Region I Office of the Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203. Copies of the proposed consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. When requesting a copy, please refer to *United States of America* v. *LFE Corporation, Inc.*, Department of Justice Reference 90-5-1-1-2270.

**F. Henry Habicht II,**

*Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 85-9332 Filed 4-17-85; 8:45 am]

BILLING CODE 4410-01-M

## Information Collection(s) Under Review

April 16, 1985.

The Office of Management and Budget (OMB) has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was

published. The list has all entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available;

(2) The office of the agency issuing the form;

(3) The title of the form;

(4) The agency form number, if applicable;

(5) How often the form must be filled out;

(6) Who will be required or asked to report;

(7) An estimate of the number of responses;

(8) An estimate of the total number of hours needed to fill out the form;

(9) An indication of whether section 3504(h) of Pub. L. 96-511 applies; and,

(10) The name and telephone number of the person or office responsible for the OMB review.

Copies of the proposed form(s) and the supporting documentation may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions regarding the items contained in this list should be directed to the reviewer listed at the end of each entry *and* to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

**Department of Justice**

Agency Clearance Officer: Larry E. Miesse, 202/633-4312.

**New Collection**

(1) Larry E. Miesse, 202/633-4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Cuban Adjustment Survey
(4) G-842
(5) One-time
(6) Individuals or households. Data used by INS to anticipate future workload resulting from adjustment of status to permanent residence of Cubans who entered the United States during the period April 15 through October 10, 1980.
(7) 10,000 respondents
(8) 833 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

**Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection**

(1) Larry E. Miesse, 202/633-4312
(2) Bureau of Justice Statistics, Department of Justice
(3) Sample Survey of Jails
(4) CJ-5, CJ-5A
(5) Annually in years between quinquennial census
(6) State and local governments. This survey is part of the on-going series that provides current data on jails and their populations to Federal, state, and local officials; jail administrators; and, researchers for evaluating current conditions and making plans for future programs. The estimates released on a yearly basis allow for the projection of trends.
(7) 1,000 respondents
(8) 200 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Aircraft/Vessel Report
(4) I-92
(5) On occasion
(6) Businesses or other for-profit. Manifest completed for each arriving or departing aircraft or vessel transporting passengers into or out of the United States, as required by 8 CFR Part 231.
(7) 650,000 respondents
(8) 108,000 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Guarantee of Payment
(4) I-510
(5) On occasion
(6) Businesses or other for-profit. Section 253 of the I&N Act provides that the master or agent of a vessel or aircraft shall guarantee payment for expenses incurred for an alien crewman who arrives in the United States and is afflicted with any disease or illness mentioned in section 255 of the I&N Act.
(7) 1,000 respondents
(8) burden hours
(9) 83 Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Application to Correct Certificate of Naturalization
(4) N-458
(5) On occasion
(6) Individuals or households. A naturalized person whose certificate of naturalization contains a defect or error may apply to INS for correction of the certificate and the information provided is used to determine the facts and nature of the error and whether a new certificate should be issued.
(7) 3,000 respondents
(8) 250 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Application to Pay Off or Discharge Alien Crewman
(4) I-408
(5) On occasion
(6) Businesses or other for-profit. Required by section 256 of the I&N Act for use in obtaining permission from the Attorney General by master or agent of vessel or aircraft to discharge or pay off alien crewman in the United States.
(7) 30,000 respondents
(8) 7,500 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Assurance by a United States Sponsor in Behalf of an Applicant for Refugee Status (Section 107, Immigration and Nationality Act)
(4) I-591
(5) On occasion
(6) Individuals or households. Used by a U.S. sponsor in behalf of a refugee as acceptable sponsorship agreement and guarantee of transportation in order to be approved for refugee status under the I&N Act.
(7) 75,000 respondents
(8) 25,000 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Application for Certificate of Citizenship (Made on INS Form N-400) Child's Personal Description Form
(4) N-604
(5) One-time
(6) Individuals or households. The information is required to prepare a certificate of citizenship for one (each) of the children of an applicant for naturalization applying under section 341 of the I&N Act.
(7) 17,000 respondents
(8) 1,600 burden hours

(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814
(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Request That Applicant for Naturalization Appear for Interview
(4) N–430
(5) One-time
(6) Individuals or households. The information is needed in order to prepare the Certificate of Naturalization for an eligible petitioner for naturalization as prescribed by section 338 of the I&N Act.
(7) 310,000 respondents
(8) 25,833 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

**Larry E. Miesse,**

*Agency Clearance Officer.*

[FR Doc. 85–9430 Filed 4–17–85; 8:45 am]

BILLING CODE 4410–01–M

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**[Civil Action No. 83–4311D]**

### Consent Decree in Action To Enjoin Emission of Air Pollutants

In accordance with Departmental Policy, 28, CFR 50.7, 38 FR 19029, notice is hereby given that a consent decree in *United States* v. *All Purpose Roll Leaf Corporation and Transfer Print Rolls, Inc.*, Civil Action No. 83–4311D, has been lodged with the United States District Court for the District of New Jersey. The consent decree establishes a compliance program for the Paramus plant owned and operated by All Purprose Roll Leaf Corporation and Transfer Print Rolls, Inc., to bring the plant into compliance with the Clean Air Act, 42 U.S.C. 7401 *et seq.* and the New Jersey State Implementation Plan ("SIP"), relating to the emission of volatile organic substances ("VOS"), and requires payment of a civil penalty.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the consent decree. Comments should be addressed to the Assistant Attorney Gerneral, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *All Purpose Roll Leaf Corporation and Transfer Print Rolls, Inc.*, D.J. Ref. No. 90–5–2–1–628.

The consent decree may be examined at the office of the United States Attorney, District of New Jersey, 970 Broad Street, Newark, New Jersey 07102; at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy please enclose a check in the amount of $1.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

**F. Henry Habicht, II,**

*Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 85–9409 Filed 4–17–85; 8:45 am]

BILLING CODE 4410–01–M

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Expansion Arts Advisory Panel (Challenge/Advancement Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Challenge/Advancement Section) to the National Council on the Arts will be held on May 9–10, 1985 from 9:00 am–5:30 pm in Room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

**John H. Clark,**

*Director, Office of Council and Panel Operations, National Endowment for the Arts.*

April 15, 1985.

[FR Doc. 85–9432 Filed 4–17–85; 8:45 am]

BILLING CODE 7537–01–M

### Media Arts Advisory Penal (Challenge Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Challenge Section) to the National Council on Arts will be held on May 13, 1985 from 9:00 am–5:30 pm in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20560, or call (202) 682–5433.

April 15, 1985.

**John H. Clark,**

*Director, Council and Panel Operations, National Endowment for the Arts.*

[FR Doc. 85–9433 Filed 4–17–85; 8:45 am]

BILLING CODE 7537–01–M

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### National Council on the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on Friday, May 3, from 9:00 a.m.–5:00 p.m.; Saturday, May 4, from 9:00 a.m.–5:30 p.m.; and on Sunday May 5, from 9:00 a.m.–1:00 in room M–09 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on Friday, May 4, from 9:00 a.m.–4:00 p.m., and on Saturday, May 4, from 9:00 a.m.–2:30 p.m. Topics for discussion will include Program Review/Guidelines for the Dance, Literature, Music, State Programs and Artists in Education programs; Arts Education; Arts Coverage/Criticism; Interim Report on Individual Artist's Insurance and other reports.

The remaining sessions of this meeting on Friday, May 3, from 4:00–5:00 p.m.; Saturday, May 4, from 2:30–5:30 p.m.; and on Sunday, May 5, from 9:00 a.m.–1:00 p.m. are for the purpose of Council review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion and development on confidential materials and projections regarding FY 1987 and future year budget levels to be submitted to the Office of Management and Budget and the Congress. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

**John H. Clark,**

*Director, Office of Council and Panel Operations, National Endowment for the Arts.*

April 15, 1985.

[FR Doc. 85–9431 Filed 4–17–85; 8:45 am]

BILLING CODE 7537–01–M

## NUCLEAR REGULATORY COMMISSION

### Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Office of Management and Budget review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.

2. The title of the information collection:

—DOE/NRC Form 742—Material Balance Report and NUREG/BR–0007, instructions for completing forms 742, 742C, and 740M

—DOE/NRC Form 742C—Physical Inventory Listing

3. The form number if applicable: Same as item 2 above.

4. How often the collection is required:

—Semiannually for affected special nuclear material licensees. Annually for affected source material licensees. As specified in Facility Attachments for licensees reporting under 10 CFR Part 75.

5. Who will be required or asked to report: Persons licensed to possess specified quantities of special nuclear material or source material.

6. An estimate of the number of responses:

—DOE/NRC Form 742: 600

—DOE/NRC Form 742C: 600

7. An estimate of the total number of hours needed to complete the requirement or request:

8. An indication of whether section 3504(h), Pub. L. 96–511 applies:

—DOE/NRC Form 742: 600

—DOE/NRC Form 742C: 4,800

Not applicable.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 15th day of April 1985.

For the Nuclear Regulatory Commission.

**Patricia G. Norry,**

*Director, Office of Administration.*

[FR Doc. 85–9372 Filed 4–17–85; 8:45 am]

BILLING CODE 7590–01–M

### Advisory Committee on Reactor Safeguards Subcommittee on Class 9 Accidents; Meeting

The ACRS Subcommittee on Class 9 Accidents will hold a meeting on May 2, 1985, Room 1167, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Thursday, May 2, 1985—8:30 a.m. until the conclusion of business.*

The Subcommittee will be briefed by RES on the draft NUREG–0956, "Source Term Reassessment."

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentation by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. A. Wang (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contract the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occured.

Dated: April 15, 1985.

**Morton W. Libarkin,**

*Assistant Executive Director for Project Review.*

[FR Doc. 85–9370 Filed 4–17–85; 8:45 am]

BILLING CODE 7590–01–M

### Advisory Committee on Reactor Safeguards Subcommittee on Palo Verde; Meeting

The ACRS Subcommittee on Palo Verde will hold a meeting on April 26, 1985, at the Best Western Airport Inn, 2425 South 24th Street, Phoenix, AZ.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Friday, April 26, 1985—8:30 a.m. until 12:30 p.m.*

The Subcommittee will review the final reports for various construction deficiencies and the results of the preoperational testing as requested in ACRS letter dated December 15, 1981.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the

Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Gary Quittschreiber or Mr. Alan Wang (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: April 15, 1985.

**Morton W. Libarkin,**

*Assistant Executive Director for Project Review.*

[FR Doc. 85-9371 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

## Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology, and Criteria; Meeting

The ACRS Subcommittee on Safety Philosophy, Technology, and Criteria will hold a meeting on May 8, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Wednesday, May 8, 1985—3:00 p.m. until the conclusion of business*

The Subcommittee will review the status of the NRC Staff's evaluation of the trial use of the Commission's proposed Safety Goal Policy.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: April 15, 1985.

**Morton W. Libarkin,**

*Assistant Executive Director for Project Review.*

[FR Doc. 85-9373 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

## Advisory Committee on Reactor Safeguards Subcommittee on Safety Research Program; Meeting

The ACRS Subcommittee on Safety Research Program will hold a meeting on May 8, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

*Wednesday, May 8, 1985—8:30 a.m. until 3:00 p.m.*

The Subcommittee will discuss the proposed NRC Safety Research Program and budget for FY 1987 and gather information for use by the ACRS in its preparation of the annual report to the Commission on the NRC Safety Research Program.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: April 15, 1985.

**Morton W. Libarkin,**

*Assistant Executive Director for Project Review.*

[FR Doc. 85-9374 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

## International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality

Assurance. All of the codes and most of the proposed safety guides have been completed. The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reveiwed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-011, "Operational Management for Radioactive Effluents and Wastes Arising in Nuclear Power Plants," has been developed. The working group consisting of Mr. E. Hladky from Czechoslovakia; Mr. A. Higashi from Japan; Mr. A. G. Fleischman from the United Kingdom of Great Britain and Northern Ireland; Mr. L. C. Oyen (Sargent and Luny Engineers) from the United States of America developed the initial draft of this guide from an IAEA collation. This draft was subsequently modified by the IAEA Technical Review Committee for Operation and the Senior Advisory Group, and we are now soliciting public comment on a modified draft (Rev. 4, dated November 8, 1984). Comments received by the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by May 24, 1985, will be particularly useful to the U.S. representatives to the Technical Review Committee and the Senior Advisory Group in developing their positions on it adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Washington, D.C., this 11th day of April 1985.

For the Nuclear Regulatory Commission.

**Robert B. Minogue,**

*Director, Office of Nuclear Regulatory Research.*

[FR Doc. 85-9369 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

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[Docket 72-3]

## Carolina Power & Light Co.; Consideration of a Materials License for the Storage of Spent Fuel and Opportunity for a Hearing

The Nuclear Regulatory Commission (the Commission) is considering an application dated February 4, 1985, for a materials license, under the provisions of 10 CFR Part 72, from Carolina Power & Light Company (the applicant) to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) located in Darlington County, South Carolina. If granted, the license will authorize the applicant to store spent fuel in a dry storage concrete module system at the applicant's H.B. Robinson Steam Electric Plant site for Unit 2 (Operating License DPR-23) within the protected area for the nuclear unit. Pursuant to the provisions of 10 CFR Part 72, the term of the license for the ISFSI would be twenty (20) years.

Prior to a decision on the requested license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The issuance of the materials license will not be approved until the Commission has reviewed the proposal and has concluded that approval of the license will not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public. The NRC will complete an environmental assessment in accordance with 10 CFR Part 51 to determine whether to prepare an environmental impact statement or a finding of no significant impact.

Pursuant to 10 CFR 2.105, by May 20, 1985, the applicant may file a request for a hearing; and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the subject materials license in accordance with the provisions of 10 CFR 2.714. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for hearing or petition for leave to intervene is filed by the above date, the Commission may, upon satisfactory completion of all evaluations, issue the materials license without further prior notice.

A petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without prior approval of the presiding officer at any time up to 15 days prior to the holding of the first prehearing conference, but such an amended petition must satisfy the specificity requirements described above. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. A copy to the petition and/or request for a hearing should be sent to the Executive Legal Director, United States Nuclear Regulatory Commission, Washington, DC 20555, and to G.F. Trowbridge, Esquire, Shaw, Pittmann, Potts and Trowbridge, 1800 M Street, NW. Wasington, DC 20036, attorney for the applicant.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or the request, that the petitioner has made a substantial showing of good cause for the granting of a later petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

The Commission hereby provides notice that this proceeding is on an application for a license falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of NWPA, the Commission, at the request of any petitioner or any party to the proceeding, is required to employ hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." Section 134 procedures provide for oral argument on those issues "determined to be in controversy", preceded by discovery under the Rules of Practice, and the designation, following argument, of only factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved at an adjudicatory hearing. Actual adjudicatory hearings are to be held only on those issues found to meet the criteria of Section 134 and set for hearing after oral argument on the proposed issues. However, if no petitioner or party requests the use of the hybrid hearing procedures, then the usual 10 CFR Part 2 procedures apply.

[At this time the Commission does not have effective regulations implementing section 134 of the NWPA, although it has published proposed rules. See Hybrid hearing Procedures for Expansion of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors, 48 FR 54499 (December 5, 1983).]

In the event that a hearing is held and a person is permitted to intervene, he/she becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he/she may present evidence and examine and cross-examine witnesses in any adjudicatory hearing that is held.

For further details with respect to this action, see the application dated February 4, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room at the Hartsville Memorial Library, 220 N. Fifth Street, Hartsville, South Carolina 29550. The Commission's License and Safety Evaluation Report, when issued, may be inspected at the above locations.

Dated at Silver Spring, Maryland, this 12th day of April, 1985.

For the Nuclear Regulatory Commission.

**Leland C. Rouse,**

*Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety*

[FR Doc. 85-9375 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

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**[Docket No. 50-334]**

## Duquesne Light Co. et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from a schedular requirement of Appendix E to 10 CFR Part 50 to Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees), for the Beaver Valley Power Station, Unit No. 1, located in Shippingport, Pennsylvania.

### Environmental Assessment

*Identification of Proposed Action*

The exemption would allow the annual emergency preparedness exercise at Beaver Valley Power Station, Unit 1, to be conducted in September, instead of February of 1985.

The exemption is responsive to the Duquesne Light Company's application for exemption dated September 11, 1984.

*The Need for the Proposed Action.*

The proposed exemption is needed because (1) The change of the 1985 exercise date from February to September would enable the licensee to use the simulator, which would provide realistic operational data for the exercise, (2) the change would facilitate better coordination among the several FEMA and NRC regional offices, (3) the change would eliminate the need for separate exercises when Unit 2 starts operation, and (4) the change would enable an exercise be performed under different weather conditions from those of previous exercises.

*Environmental Impacts of the Proposed Action*

The proposed exemption will provide assurance of emergency preparedness that is equivalent to that required by Appendix E such that there is no increase in the risk of accidents at this facility. The probability of accidents has not been increased and the post-accident radiological releases will not be greater than previously determined, nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

*Alternative Use of Resources*

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Beaver Valley Power Station, Unit No. 1.

*Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the exemption dated September 11, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Bethesda, Maryland this 11th day of April 1985.

For the Nuclear Regulatory Commission.

**Steven A. Varga,**

*Acting Assistant Director for Operating Reactors, Division of Licensing.*

[FR Doc. 85-9377 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

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**[Docket Nos. 50-424 and 50-425]**

## Georgia Power Company et al. Availability of Final Environmental Statement for the Vogtle Electric Generating Plant, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Enviromental Statement (NUREG-1087) prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of the Vogtle Electric Generating Plant, Units 1 and 2, located in Burke County, Georgia, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Burke County Library, Fourth Street, Waynesboro, Georgia 30830. The Final Environmental Statement is also being made available at the Office of Planning and Budget, Room 615B, 270 Washington Street, SW., Atlanta Georgia 30334 and at the Central Savannah River APDC, 2123 Wrightsboro Road, Augusta, Georgia 30904.

The notice of availability of the Draft Environmental Statement for the Vogtle Electric Generating Plant, Units 1 and 2, and requests for comments from interested persons was published in the Federal Register on November 16, 1984 (49 FR 45512). The comments received from Federal, State, and local agencies, and interested members of the public have been included as Appendix A to the Final Environmental Statement.

Copies of NUREG-1087 may be purchased by calling (301) 492-9530 or by writing to the Publication Services Section, Document Management Branch, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; or purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

Dated at Bethesda, Maryland, this 12th day of April 1985.

For the Nuclear Regulatory Commission.

**Elinor G. Adensam,**

*Chief Licensing Branch No. 4, Division of Licensing.*

[FR Doc. 85-9379 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

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**[Docket No. 50-333]**

## Power Authority of the State of New York; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC/the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.48(c)(4) to the Power Authority of the State of New York (PASNY/the licensee) for the James A. Fitzpatrick Nuclear Power Plant located in Osewgo County, New York.

### Environmental Assessment

*Identification of Proposed Action*

The exemption would grant the licensee a schedular deferment from the provisions of Appendix R, Section III.G, fire protection of the equipment used for safe shutdown capability, from the current Cycle 6 refueling outage to the end of the Cycle 7 refueling outage. The exemption is responsive to the licensee's application for exemption dated March 15, 1985.

*The Need for the Proposed Action*

Appendix R, Section III.G requires a licensee authorized to operate a nuclear power reactor to provide fire protection for equipment used for safe shutdown by means of separation and barriers or provide alternative safe shutdown capability. The schedular requirements of 10 CFR 50.48(c)(4) call for the implementation of modifications before startup after the earliest of the following events commencing 180 days after Commission approval:

(1) The first refueling outage;

(2) Another planned outage that lasts for at least 60 days; or

(3) An unplanned outage that lasts for at least 120 days.

By letter dated March 15, 1985, the licensee informed us that it had identified a condition at FitzPatrick similar to that described for the Kansas Gas and Electric Wolf Creek facility in IE Information Notice No. 85-09, "Isolation Transfer Switches and Post-Fire Shutdown Capability," dated January 31, 1985. This condition could result in the plant's alternate shutdown system becoming disabled in the event of a control room fire. Because this condition was identified only recently, the licensee has stated that it would be unable to complete the long term modifications necessary to correct this problem by the end of the current Cycle 6 outage (i.e., the schedule established by 10 CFR 50.48), without severely impacting the schedule for plant restart.

Accordingly, the licensee has requested a schedular exemption from the requirements of Section III.G of Appendix R to 10 CFR Part 50 to extend the deadline for completing all modifications required for alternate shutdown capability to the end of the next refueling outage (Reload 7/Cycle 8), currently scheduled to begin October 1986. The licensee will implement interim compensatory fire protection measures prior to restart from the refueling outage now in progress. These measures have been found acceptable by the staff.

*Environmental Impacts of the Proposed Action*

By using reasonable interim compensatory measures, the proposed exemption will provide a degree of fire protection such that there is no significant increase in the risk of fires at this facility. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

*Alternative Use of Resources*

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the James A. FitzPatrick Nuclear Power Plant.

*Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

**Finding of No Significant Impact**

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated March 15, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College of Oswego, Oswego, New York.

Dated at Bethesda, Maryland, this 10th day of April, 1985.

For the Nuclear Regulatory Commission.

**Steven A. Varga,**

*Acting Assistant Director for Operating Reactors, Division of Licensing.*

[FR Doc. 85-9380 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

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**[Docket No. 50-390]**

## Tennessee Valley Authority, Watts Bar Nuclear Plant, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of partial exemptions from the requirements of Appendix J to 10 CFR Part 50 and Paragraph 70.24 to 10 CFR Part 70 to the Tennessee Valley Authority (the licensee) for the Watts Bar Nuclear Plant, Unit 1, located at the licensee's site in Rhea County, Tennessee.

**Environmental Assessment**

*Identification of Proposed Actions*

The proposed actions would provide partial exemptions from certain Commission regulations. The first exemption would relieve the licensee from the requirement of conducting a full pressure airlock leakage test, pursuant to paragraph III.D.2(b)(ii) of Appendix J to 10 CFR Part 50, whenever airlocks are opened during periods when containment integrity is not required. Licensees would rely, instead, on the seal leakage test described in paragraph III.D.2(b)(iii) when the reactor is in cold shutdown (mode 5) or refueling (mode 6) and when maintenance has been performed on the airlock. The second exemption would relieve the licensee, until irradiated fuel is placed into the fuel storage area, from the requirement to have a criticality monitor installed in the fuel storage area.

The licensee's request for exemptions and the bases therefor, are contained in letters dated December 3, 1984, and February 16, 1985.

*The Need for the Proposed Actions*

As described in the staff's Safety Evaluation Report, Supplement 4, for the Watts Bar Nuclear Plant, performance of the leakage rate tests required by paragraph III.D.2(b)(ii) of 10 CFR Part 50, Appendix J, takes at least 6 hours per airlock. Exemption from type B leakage rate tests on airlocks opened during a period when containment integrity is not required and when no maintenance has been performed on the airlock would provide the licensee with greater plant availability over the lifetime of the plant.

The second exemption, as described in the licensee's February 16, 1985, submittal, would allow the licensee to delay installation and operation of a criticality monitor until irradiated fuel is placed into the fuel storage area. Because there is currently non-irradiated fuel on site, the licensee would be required to maintain a criticality monitor without the requested exemption. This would result in an unnecessary hardship without a compensating increase in the level of safety.

*Environmental Impacts of Proposed Actions*

The first proposed exemption would permit the substitution of an airlock seal leakage test (paragraph III.D.2(b)(iii) of Appendix J, 10 CFR Part 50) for the full pressure airlock test otherwise required by paragraph III.D.2(b)(ii) when the airlock is opened while the reactor is in a cold shutdown or refueling mode. If the tests required by III.D.2(b) (i) and (iii) are current, no maintenance having been performed on the airlock and with it properly sealed, this exemption will not affect containment integrity and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not a be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents, nor result in any significant occupational exposure. Likewise, the relief does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

The second proposed exemption allows the licensee to have non-irradiated fuel in the fuel storage area without having a criticality alarm system. By letter dated September 5, 1979, the staff granted this exemption for the specified date of the Special Nuclear Materials (SNM) license. Since this license, and its exemptions, expires upon issuance of the operating license, the licensee has requested the exemption be incorporated into the Watts Bar Unit 1 operating license upon its issuance. The staff has determined that the bases supporting this exemption in the SNM license are applicable to the operating license. Therefore, this exemption will not affect containment integrity and does not affect the risk of facility accidents. Thus, post-accident releases will not be greater than previously determined, nor does the proposed relief otherwise affect radiological plant effluents, or result in any significant occupational exposure. Likewise, the relief does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

*Alternative to the Proposed Actions*

Because we have concluded that there is no measurable environmental impact associated with the proposed exemptions, any alternatives to the exemptions will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested exemptions. Such action would not reduce environmental impact of Watts Bar Unit 1 operations and would result in reduced operational flexibility and/or unwarranted delays in power ascension.

*Alternative Use of Resources*

These actions do not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to Operation of Watts Bar Nuclear Plant, Units 1 and 2," dated December 1978.

*Agencies and Persons Consulted*

The NRC staff reviewed the licensee's requests that support the proposed exemptions. The NRC staff did not consult other agencies or persons.

**Finding of No Significant Impact**

Based upon the foregoing environmental assessment, we conclude that the proposed actions will not have a significant effect on the quality of the human environment. Accordingly, the

Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

For further details with respect to the actions, see the licensee's requests for the exemptions dated December 3, 1984, and February 16, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Dated at Bethesda, Maryland, this 12th day of April 1985.

For the Nuclear Regulatory Commission.

**Thomas M. Novak,**

*Assistant Director for Licensing, Division of Licensing.*

[FR Doc. 85-9376 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

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**[Docket No. 72-2 (50-280 and -281)]**

## Virginia Electric and Power Co.; Issuance of Environmental Assessment and Finding of No Significant Impact for the Surry Dry Cask Independent Spent Fuel Storage Installation at the Surry Power Station

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a materials license under the requirements of 10 CFR Part 72 to Virginia Electric and Power Company (VEPCO or the applicant), authorizing the receipt and storage of spent fuel in dry casks at an Independent Spent Fuel Storage Installation (ISFSI) located onsite at the Surry Power Station site in Surry County, Virginia.

The function of the dry cask ISFSI is to provide interim storage of spent fuel from Surry Power Stations Units 1 and 2. Spent fuel loading and cask preparation takes place within the Surry Power Station fuel handling building. The casks are then moved to the onsite ISFSI where they are placed on concrete slabs. The spent fuel is stored in an inert atmosphere inside massive metal casks which provide confinement, shielding, criticality control and heat removal.

The Commission's Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle and Material Safety, has completed its environmental review in support of the issuance of a materials license. The "Environmantal Assessment (EA) Related to the Construction and Operation of the Surry Dry Cask Independent Spent Fuel Storage Installation" has been issued in accordance with 10 CFR Part 51. The scope of the environmental assessment included the construction and operation of an ISFSI on the Surry site, including impacts specifically derived from the cask to be used, the CASTOR V/21. As discussed in the EA, no significant construction impacts are anticipated. The activities will affect only about two percent of the land area on the Surry site. The potentials for fugitive dust, erosion and noise impacts, typical of the planned construction activities, can be controlled to insignificant levels with good construction practices. The only resource committed irretrievably is the concrete used in the three ISFSI storage pads. The radiological impacts from liquid and gaseous effluents arising from cask loading and preparation fall within the scope of impacts evaluated for licensed reactor operations and are controlled by the existing Surry reactor Technical Specifications. The primary exposure pathway associated with operation of the ISFSI is direct irradiation of nearby residents and site workers. The dose commitment to the nearest resident is about $6\times10^{-5}$ mrem/yr and when added to that from Surry Power Station operations is well within the 25 mrem/yr requirement of 10 CFR 72.67. The collective does commitment to residents within two miles of the ISDSI is $3\times10^{-6}$ man-rem/yr. The occupational dose to site workers due to construction and operations is a small fraction of the total occupational dose commitment at the Surry Power Station. The radiological impacts due to accidents at the Surry ISFSI are only a small fraction of the 5 rem criteria specified in 10 CFR 72.68(b) and by the EPA protective action guides. No significant non-radiological impacts are expected from ISFSI operations.

In summary, the ISFSI site has previously been cleared and is being used by the applicant in connection with operations of its Surry Power Station Units 1 and 2, and therefore involves no new commitment of land resources. The proposed action involves no significant change in the type or increase in the amount of any effluents that may be released offsite. There is no significant increase in the individual and collective radiation doses to both the public and occupational workers. Therefore, the proposed action will not significantly impact the quality of the human environment. Accordingly, pursuant to 10 CFR 51.31, and 10 CFR 51.32 the Commission has determined that a finding of no significant impact is appropriate and an environmental impact statement (EIS) need not be prepared for the issuance of a materials license for the Surry Dry Cask Independent Spent Fuel Storage Installation.

This licensing action is the first of several anticipated onsite dry cask ISFSI's and is closely similar to that for an ISFSI at a site not occupied by a nuclear power reactor, which, in accordance with 10 CFR 51.20(b)(9), requires an EIS. However, in the NUREG-0575, "Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel," the impacts from wet storage, whether at reactor or away-from-reactor sites were generically assessed and found to be insignificant. Dry storage also appeared to be environmentally acceptable. Additionally, ISFSI impacts contribute little to the existing impact from a site already dedicated to NRC licensed activities. Therefore, issuance of a draft finding of no significant impact would not significantly further the purposes of NEPA.

The EA for the proposed action, on which this Finding of No Significant Impact is based, relied on seven other environmental documents: (1) "Environmental Report Surry Power Station Dry Cask Independent Spent Fuel Storage Installation," submitted with the license application, dated October 8, 1982, and supplementary information provided in response to NRC questions; (2) "Final Environmental Statement Related to Operation of Surry Power Station Unit 1, "Docket No. 50-280, May 1972; (3) "Final Environmental Statement Related to Operation of Surry Power Station Unit 2," Docket No. 50-281, June 1972; (4) "Final Environmental Statement Related to Construction of Surry Power Station Units 3 and 4," Dockets No. 50-434 and 50-435, May 1974; (5) memorandum from James R. Miller (NRC) to Joseph Rutberg (NRC), July 2, 1982, Enclosure 1, Finding of No Significant Impact with attached EA: "Environmental Assessment by the Office of Nuclear Reactor Regulation and Nuclear Material Safety and Safeguard Related to Increasing the Spent Fuel Storage Capacity and the Storage of Surry Spent Fuel at the North Anna Power Station Units 1 and 2, Virginia Electric and Power Company and Old Dominion Electric Cooperative, North Anna Power Station Units 1 and 2, Docket Nos. 50-338 and 50-339;" (6) "Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel," NUREG-0575, Vols. 1-3, August 1979; and (7) "Socioeconomic Impacts of Nuclear Generating Stations: Surry Case Study," NUREG/CR2749, Vol. 11, July 1982.

The environmental assessment and other documents related to this

proposed action are available for public inspection and for copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. and at the Local Public Document Room at the Swem Library, College of William and Mary, Williamsburg, Virginia, 23185.

Dated at Silver Spring, Maryland this 12th day of April 1985.

For the Nuclear Regulatory Commission.

**Leland C. Rouse,**

*Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.*

[FR Doc. 85-9378 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34-21937; SR-BSE-85-2]**

### Filing and Order Granting Accelerated Approval of Proposed Rule Change

April 12, 1985.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 11, 1984, the Boston Stock Exchange, Inc. ("BSE") filed with the Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The BSE is requesting permanent approval of its pilot program established for execution of standard odd-lot market orders to purchase or sell shares in American Telephone and Telegraph ("AT&T") and the equity issues created as a result of the AT&T divestiture.[1] The proposed rule change will amend Chapter XII of the BSE rules pertaining to the execution of odd-lot orders ("Odd-lot Dealers in Securities the Primary Market for Which Is on Another Exchange").

Under these new procedures, standard odd-lot orders received prior to the opening will be executed at the primary market opening price. An odd-lot differential will not be charged on these orders.[2] Standard odd-lot market orders received after the opening in all BSE issues will receive an execution price based on the best consolidated quotation in the stock at the time such order is received by the specialist. No odd-lot differential will be charged on these orders. In addition, standard odd-lot market orders received during the course of a trading halt shall be executed at the primary opening price.[3] An odd-lot differential will not be charged on these orders. In instances in which quotation information is not available (*e.g.* when the quotation is in a non-firm mode), standard odd-lot market orders will be executed at the last consolidated round-lot sale. An odd-lot differential may be charged on these orders. The proposed rule change also provides that odd-lot limit orders shall be executed in accordance with the procedures applicable to round-lot limit orders. No odd-lot differential will be charged on these orders.

The BSE has stated in its filing that members favor the proposed rules because the pricing method has proven less error prone than one requiring the computation of differentials. In addition, the Exchange states that elimination of the differential provides a more favorable execution price for the public. The Exchange states that the proposed rule change is consistent with section 6(b)(5) of the Act in that it facilitates transactions in securities and serves to protect the public interest by providing for the execution of odd-lot orders at a price more favorable to the public.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days from the date of publication of the submission in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-BSE-85-2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the BSE.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Comission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the pilot program is scheduled to expire on March 29, 1985. The BSE is amending its rule to codify these odd-lot procedures contained in the pilot a permanent basis. The Division believes that accelerated approval is appropriate to permit the odd-lot procedures to continue uninterrupted.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 85-9385 Filed 4-17-85; 8:45 am]

BILLING CODE 8010-01-M

**[Release No. 34-21942; SR-CBOE-85-07]**

### Chicago Board Options Exchange, Inc.; Filing of Proposed Rule Change; Relating to Position and Exercise Limit Procedures

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 15, 1985, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

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[1] The Commission initially approved the adoption of a nine month pilot program (SR-BSE-83-14) in Securities Exchange Act Release No. 20399, November 18, 1983; 48 FR 54151, November 30, 1983, for the execution of standard odd-lot market orders in the AT&T divestiture issues, including American Information Technologies Corporation, American Telephone & Telegraph Co., Bell Atlantic Corporation, Bell South Corporation, NYNEX Corporation, Pacific Telesis Group, Southwestern Bell Corporation and U.S. West, Inc. The Commission subsequently approved the expansion of the pilot program established for execution of standard odd-lot market orders to purchase or sell shares in AT&T to include all BSE issues on a two-month pilot basis. *See* Securities Exchange Act Release No. 21300, September 10, 1984; 49 FR 36185, September 14, 1984 [File No. SR-BSE-84-2]. The pilot was subsequently extended until March 29, 1985. *See* Securities Exchange Act Release No. 21687, January 25, 1985, 50 FR 5023, February 5, 1985, [File No. SR-BSE-84-9].

[2] *See* letter from Joseph Carmichael to Michael Cavalier, Branch Chief, Market Regulation, dated April 3, 1985.

[3] *See* letter from Joseph Carmichael, Vice President, BSE to Brandon Becker, assistant Director, Market Regulation, dated March 14, 1985.

**I. Text of the Proposed Rule Change**

The Exchange files as a rule change the following memorandum to members:

To: The Membership
From: Alan Resser, Chairman
Exemption Committee
Re: Position and Exercise Limit
Exemption Procedures.

The Exemption Committee became a part of the Exchange Committee structure on February 8, 1984. To insure that all members are aware of Committee policy regarding the granting of position and exercise limit exemptions, the policy is set forth below. The Exchange's Executive Committee has approved the following position and exercise limit exemption policy and procedures.

*Policies With Regard To Granting Exemptions To Position and Exercise Limits*

Exchange Rules 4.11 and 4.12 provide that the President or his designee may authorize exemptions to the currently applicable position and exercise limits. The purpose of this process is to assure that there is sufficient depth and liquidity in the market place, and not to confer a right upon the market-maker applying for an exemption.

In light of the procedural safeguards set forth below, the purpose of the exemption process, and the prohibition against the granting of retroactive exemptions, decisions granting or denying exemptions are not subject to review under Chapter XIX of the Exchange Rules regarding Hearings and Review.

*Policy*

1. An exemption may be granted for the purpose of maintaining a fair and orderly market in the options on a given underlying security.

2. Generally, an exemption will be granted only to a market-maker who has requested an exemption, who holds an appointment to the options where the exemption is requested, whose positions are near the current position limit and who is significant in terms of in-person daily volume. The interpretation of this point has been that the positions must be within 10% of the applicable limits in equity options and 20% of the applicable limits in OEX.

3. If an exemption is granted, it will be effective at the time the decision is communicated. *Retroactive exemptions will not be granted.*

4. The size and length of an exemption will be determined on a case by case basis (An exemption is usually granted until the nearest expiration.)

*Procedures*

1. A request for an exemption from the established position and exercise limits must be in writing and *must state the specific reasons* why an exemption should be granted.

2. The request should be submitted to Nancy Wagner, Manager, in the Department of Surveillance on the seventh floor.

3. The Chairman of the Exemption Committee will appoint Panels, usually consisting of three members of the Committee, to review, among other factors, such matters as market-maker positions, trading activity, and comments by trading crowd members concerning market conditions. A Panel will make a recommendation to the President or his designee as to whether or not an exemption should be granted.

4. A Panel will normally meet after the market close, Mondays through Thursdays. To ensure review by a Panel, exemption requests must be submitted to Nancy Wagner no later than 10:00 a.m. on the day of a meeting. A panel's review is conducted informally, and a panel may receive information in such manner as is most effective, in its discretion, to ascertain whether an exemption is necessary to maintain depth and liquidity in the market.

5. Based upon the recommendation of a Panel the President or his designee will decide whether to grant the requested exemption.

6. The President or his designee will communicate the exemption decision to the requesting market-maker and his clearing firm as soon as possible, generally on the day following Panel review.

7. Ordinarily, a first application will be considered by a panel without the presence of the applicant. If a market-maker's request for an exemption has been denied and he wishes to reapply for an exemption he may make a brief personal appearance at the next scheduled exemption committee meeting to present only those issues not previously considered by the committee.

The above procedures have been established for market-makers nearing the limits due to general market conditions. Please also note that instant exemption requests will be considered in extraordinary situations, such as an order imbalance or position limit restrictions of market-makers who are near the limits in highly unusual circumstances. Requests for instant exemptions should be made by contacting two of the committee members listed below.

Following their immediate review of the situation, the two committee members will make a joint decision whether an exemption is warranted, in accordance with criteria established by the Committee. Following the committee members' decision, staff will be notified of the instant exemption request and its disposition, and at the next Committee meeting, granted instant exemptions will be reviewed.

Those committee members designated to handle instant exemptions:

| | Crowd | Telephone or paging numbers |
|---|---|---|
| OEX options: | | |
| Don Goldstein | OEX | DIG2 |
| Scott Paseltiner | OEX | STP5 |
| Lloyd Cassidy | OEX | |
| All exchange traded option: | | |
| Alan Resser | HON | 663-7007 |
| Bob Fodor | | RAF3 |
| Mike Kelly | | KLYO |
| Dave Johnson | | ODJ1 |
| Herchel Portman | OEX | 1235 |
| Jerry ElsHokin | GE | ETGS1 |
| Charles Woodward | OEX | 0991 |
| Gary Knoblauch | BA | GLK1 |
| Ernie Naiditch | XRX | 124 (Post) |
| Jeff Wolfson | MCD | PAX1 |
| Jim Gelbort | F | JIG2 |
| Ed Kelly | | EFK3 |
| Mike Friedman | | NYC2 |
| Jeff Kaufmann | IBM | 164 (Post) |
| Tony Saliba | TDY | 139 (Post) |

A list of current exemptions will be posted in a generally accessible area and will include, but may not be limited to, the following information: the exemption recipient's name, and the class, size, and duration of each exemption. The list will be updated after each exemption meeting.

For information regarding the exemption policy, contact Nancy Wagner at 786-7714, Alan Resser on the trading floor or at 663-7007 or any other member of the Committee.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

The purpose of this rule change is to reissue the Exchange's exemption policies in one memorandum to members. The memorandum is

organized into two sections: Policy and procedures. The only revision from the memorandum approved by the Commission in 1984 (SR–CBOE–84–20) is a modification of the instant exemption process to assure that it is immediately responsive to market needs.

The instant exemptions, which are sparingly granted, require concurrence of two members of the Exemption Committee, and these decisions are reviewed by the staff and the Committee. Thus, the process has adequate safeguards, and allows for immediate attention to the handling of large orders in the marketplace.

The proposed rule change also supplements the Policy, as articulated in SR–CBOE–84–20: To provide that an applicant for a position limit exemption in OEX should be within 20 percent of the applicable position limit. In that rule filing, the policy states that an applicant's positions must be "near the current position limit . . ." and noted parenthetically that the interpretation "of this point has been that the positions must be within 10% of the applicable limits". Thus, SR–CBOE–84–20 clearly contemplated flexibility and not rigid adherence to a particular percentage point. Although 10 percent has continued to be a useful guidepost for equity options, 20 percent has become a realistic guidepost in respect of OEX, as trading activity has soared in the past year since SR–CBOE–84–20 was submitted. The large size of some customer orders in OEX necessitates immediate response by market-makers who are capable of making quite large markets. The Exchange's experience has been that, given the size of large OEX orders, the public interest requires position limit exemptions to be granted at times where a market-maker is within 20 percent of a position limit, rather than within 10 percent.

The statutory basis for this rule change is section 6(b)(5) of the Securities Exchange Act of 1934, in that it will protect investors and promote just and equitable principles of trade.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

This proposal will not impose any burden on competition that is not necessary or appropriate under the Act.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

Comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 9, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 85–9384 Filed 4–17–85; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. 34–21944; SR–CBOE–85–6]**

## Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change; Relating to Reporting Duties

The Chicago Board Options Exchange, Inc. ("CBOE"), submitted a proposed rule change on March 15, 1985, pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] to amend CBOE Rule 6.51, Interpretation .01 and .02, concerning the procedure for reporting transactions.

**I. Description of the Proposal, Purpose, and Statutory Basis**

The proposal would amend Interpretation .01 to CBOE Rule 6.51 to require that an account origin code be placed on trading cards and tickets. New Interpretation .02 would codify the proper account origin codes to be used in the completion of trading tickets or cards, and when reporting option transactions to the CBOE, pursuant to Interpretation .01. The following codes are included in this interpretive section: "c" for a customer account; "f" for a firm proprietary account; "m" for a member market-maker account; "y" for any options account of a stock specialist relating to his assignment as specialist on the primary market for the underlying stock;[3] "b" for a customer range account of a broker-dealer;[4] and "n" for any account of a non-member market-maker or specialist relating to his assignment in a class of options listed for trading both at CBOE and at the exchange of the market-maker or specialist.

In its filing, CBOE stated that the "c", "f" and "m" codes have been in use for some time, and that the Exchange also previously has required broker-dealers placing orders for a customer account to indicate that account type on the order with the notation "B/D." In this connection, the proposal merely would change the code for this type of order to "b."

Essentially, therefore, the only new codes are "n" and "y." With regard to the "n" code, CBOE stated that it will permit the Exchange effectively to monitor the activity of specialists and market makers in their assignments in dually listed classes of options.[5] The "y"

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[1] 15 U.S.C. 78s(b)(1) (1984).

[2] 17 CFR 240.19b–4 (1984).

[3] As discussed below, CBOE stated in its filing that this code was made necessary by the Commission's recent approval of options related hedging activity by New York Stock Exchange ("NYSE") specialists. *See* File No. SR–NYSE–82–20, Securities Exchange Act Release No. 21710 (February 4, 1985), 50 FR 5708 (February 11, 1985).

[4] In its filing, CBOE stated that the requirement of indicating that a customer ticket is for a broker-dealer has been in effect since April 17, 1978, as part of the Exchange's effort to enforce the book priority rule (CBOE Rule 7.4).

[5] Although not codified, Amex has a substantially similar procedure for surveillance of dually listed options series, also using the "n" code. Telephone conversation between Heidi Litt, Attorney, Amex, and Heidi Steinberg Coppola, Attorney, SEC, dated March 25, 1985.

code, CBOE indicated, will be implemented in connection with Commission approval of a change to NYSE Rule 105, which permits specialists in the primary stock market to hedge their specialty stock positions with options.[6] In this connection, CBOE indicated that the "y" code will provide an effective, prompt, and accurate means of identifying transactions effected by specialists in options overlying their specialty stocks.

In processing the three new account origin codes ("b", "n", and "y"), the proposal would require member firms to convert these codes to the appropriately designated account of the Options Clearing Corporation ("OCC"). Currently, OCC does not have the capability to accept more than three origin account codes.

In its filing, CBOE stated that the placement of these account origin codes on trading cards or tickets will assure uniform treatment of orders on the floor, consistent with Exchange trading priority rules. In addition, CBOE stated that the full range of codes will clarify and standardize designation of the various classes of orders on the floor, thereby enhancing enforcement of book-priority and surveillance of the marketplace. Because the rule change also will foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to securities, and also will protect investors and the public interest, CBOE indicated that the proposed rule change is consistent with Section 6(b)(5) of the Act.

## II. Solicitation of Comments

The Commission is publishing this notice to solicit comment on the CBOE's proposed rule change described above. Persons interested in commenting on this proposed rule change should submit six copies of their comments within 21 days from the date of publication of this notice in the **Federal Register**. Comments should be sent to the Secretary of the Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the proposed rule change, and any amendments and documents relating to the proposed rule change, except those that may be withheld from the public pursuant to 15 U.S.C. 552, are available for inspection and copying at the Commission's Public Reference Room. Copies of the filing are also available at the CBOE.

[6] *See* note 3, *supra*.

## III. Approval of the Proposed Rule Change

As indicated above, the proposed rule change provides an effective means of promptly and accurately identifying transactions. Therefore, the Commission believes that it should help CBOE in its monitoring and surveillance functions, particularly with respect to the enforcement of CBOE's rules concerning the priority of public customer orders.

With regard to CBOE's book-priority rules, which provide that public customer market or limit orders shall have priority over all other types of orders,[7] the Commission notes that CBOE has asserted that the use of the full range of codes would enhance its enforcement efforts. In particular, it appears that the use of a "y" code to designate NYSE specialist transactions in options overlying their specialty stocks would aid enforcement by allowing for a prompt determination that these orders cannot be booked.[8]

In addition, the Commission notes that CBOE also stated that the "y" code is necessary for surveillance purposes. Although CBOE acknowledges that NYSE specialists will be required to make daily reports of all of their transactions in options overlying their specialty stocks to the NYSE, and that the NYSE has primary regulatory oversight over its specialists' activities, CBOE asserts that the independent capture of trade data concerning all NYSE specialists' transactions on CBOE will help to verify the information obtained by the NYSE directly from their specialists and allow the CBOE to police its own market.[9]

As a separate matter, the CBOE has represented that CBOE Rule 6.73(a), which requires a floor broker handling an order to use due diligence to execute the order at the best price or prices available to him, in accordance with CBOE's rules would preclude a floor broker from disclosing the source of any order to the trading crowd or, by any other means, seeking to inappropriately handle any order presented to him for execution, in contravention of any of CBOE's rules (including the fiduciary responsibilities imposed upon floor brokers).

The Commission finds that the benefits of the proposed rule change outweighs any potential burdens, and, therefore, that the CBOE proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6. In addition, because the proposal codifies CBOE's existing practice with regard to use of certain of the account origin codes, conforms to Amex's existing practice with regard to dually listed options, and seeks to adopt a new code, the use of which is planned to coincide with the new trading capabilities of NYSE specialists to begin on April 15, 1986, the Commission finds good cause for approving this proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change described above, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

April 12, 1985.

[FR Doc. 85-9383 Filed 4-17-85; 8:45 am]

BILLING CODE 8010-01-M

[7] At CBOE, the Order Book Official maintains public customer limit and market order books. Only public customer orders are accepted on the book and given priority in execution over other orders to be executed (*i.e.*, market maker and firm proprietary orders, for example, must yield to the execution of a booked order).

[8] NYSE specialists, trading as such, are not "public customers," and therefore would not be entitled to "book" priority at CBOE. Accordingly, CBOE has indicated that by using a special code ("y") for these order types, they could be identified readily and prohibited from gaining access to the book.

[9] In this connection, CBOE has asserted that prompt and accurate identification of NYSE specialists trades in options overlying the specialty stocks, in particular, is warranted because of the constraints on specialists' hedging activity. *See* Securities Exchange Act Release No. 21710 (February 4, 1985); note 3, *supra*.

## SMALL BUSINESS ADMINISTRATION

**[Declaration of Disaster Loan Area #2187; Amdt. #1]**

### Illinois

The above numbered declaration (50 FR 13445) is amended in accordance with the President's declaration of April 2, 1985, to include Brown, Crawford, Greene, Jersey, La Salle, Marshall, Schuyler, Scott, and Whiteside Counties as adjacent counties in the State of Illinois as a result of damage for severe storms, flooding, and ice jams beginning on or about February 13, 1985. All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on May 30, 1985 and for economic injury until the close of business on December 30, 1985.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 11, 1985.

**Bernard Kulik,**

*Deputy Associate Administrator for Disaster Assistance.*

[FR Doc. 85-9302 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

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**[License No. 04/04-5184]**

### The First B.D.J. Financial Services, Inc.; License Revocation

Notice is hereby given that The First B.D.J. Financial Services, Inc., (B.D.J.) Fort Lauderdale, Florida has had its license revoked and no longer operates as a small business investment company under the Small Business Investment Act of 1958, as amended, (the Act). B.D.J. was licensed by the Small Business Administration on May 20, 1980.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the revocation was effective January 2, 1985, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 12, 1985.

**Robert G. Lineberry,**

*Deputy Associate Administrator for Investment.*

[FR Doc. 85-9303 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

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### Region VIII Advisory Council Public Meeting; Denver, CO

The U.S. Small Business Administration Region VIII Advisory Council, located in the geographical area of Denver, Colorado, will hold a public meeting at 8:30 a.m. on Wednesday, May 8, 1985, at the Federal Building, 1961 Stout Street, Room 239 (Second floor), Denver, Colorado, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Eugene Uccellini, District Director, U.S. Small Business Administration, 721 19th Street, Room 426, Denver, Colorado, (303) 844-3673.

**Jean M. Nowak,**

*Director, Office of Advisory Councils.*

April 10, 1985.

[FR Doc. 85-9301 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

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### Region IV Advisory Council; Public Meeting; Atlanta, GA

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Atlanta, Georgia, will hold a public meeting at 2:00 p.m. on Wednesday, May 8, 1985 through 12:00 Noon on Thursday, May 9, 1985, at the Ramada Renaissance Hotel (Atlanta Airport), 4736 Best Road, College Park, Georgia, 30337 to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Clarence B. Barnes, District Director, U.S. Small Business Administration, 1710 Peachtree Rd., NW., Atlanta, Georgia 30309, (404) 881-4749.

**Jean M. Nowak,**

*Director, Office of Advisory Councils.*

April 10, 1985.

[FR Doc. 85-9298 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

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### Region VII Advisory Council Public Meeting; Cedar Rapids, IA

The Small Business Administration Region VII Advisory Council will hold a public meeting at 9:00 a.m. on Monday, May 20, 1985, at the Junior Achievement Building, 330 Collins Road NE, Cedar Rapids, Iowa, to discuss such maters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Ralph W. Potter, District Director, United States Small Business Administration, 373 Collins Road NE, Cedar Rapids, Iowa 52402, telephone number (319) 399-2571.

**Jean M. Nowak,**

*Director, Office of Advisory Councils.*

April 10, 1985.

[FR Doc. 85-9300 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

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### Region VIII Advisory Council; Public Meeting; Salt Lake City, UT

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Salt Lake City, Utah, will hold a public meeting from 7:30 a.m. to 10:00 a.m., Monday, May 6, 1985, at the Research Park, 400 Wikara Way, Salt Lake City, Utah, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call R. Kent Moon, District Director, U.S. Small Business Administration, 2237 Federal Building, 125 South State Street, Salt Lake City, Utah 84138, (801) 524-5804.

**Jean M. Nowak,**

*Director, Office of Advisory Councils*

April 10, 1985.

[FR Doc. 85-9299 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

**[CGD-85-025]**

### National Boating Safety Advisory Council; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, May 14 & 15, 1985 at the Sheraton Harrisburg West, New Cumberland, Pennsylvania, beginning at 9:00 a.m. and ending at 4:00 p.m. on both days. The agenda for the meeting will be as follows:

1. Introduction of new Council member.
2. Review of action taken at the 30th meeting of the Council.
3. Members' items.
4. Executive Director's report.
5. Consumer Education Subcommittee report.
6. Update on bridge-to-bridge radiotelephone regulations on the Great Lakes, Strobe Light Data Collection and Vertical Sector Light Requirements for unmanned barges.
7. Capacity Plate Replacement Subcommittee report.
8. Report on the Tenth Annual Boating Education Seminar.
9. Progress Report on Boat Pox (osmotic blistering) Subcommittee Activities.
10. Update on Alcohol as a Gasoline Additive.
11. Briefing on Low-Head Dams.
12. Update on Proposed Rule on LPG/CNG for Small Passenger Vessels.
13. Presentation on Status of Hybrid PFD Notice of Proposed Rulemaking.
14. Presentation on Alcohol and Boating.
15. Report on 1984 Boating Statistics.
16. Presentation on Consumers "National Hot Line".
17. Report on the Regulatory Project, Operating a Vessel While Intoxicated.
18. Reply to members' items.

19. Chief, Office of Boating, Public, & Consumer Affairs, Remarks.

20. Chairman's session.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain R. F. Ingraham, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G-BBS), Washington, DC, 20593, or by calling (202) 426-1060.

Issued in Washington, DC, April 11, 1985.

**L.C. Kindbom,**

*Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public and Consumer Affairs.*

[FR Doc. 85-9367 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

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[CGD-85-023]

## National Boating Safety Advisory Council Subcommittee on Consumer Education; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council's Subcommittee on Consumer Education to be held on Monday, May 13, 1985 at the Sheraton Harrisburg West, New Cumberland, Pennsylvania, beginning at 2:00 p.m. and ending at 5:00 p.m. The agenda for the meeting will be as follows:

1. Discuss further projects and activities for the Subcommittee.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain R.F. Ingraham, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G-BBS), Washington, DC, 20593, or by calling (202) 426-1060.

Issued in Washington, DC, April 11, 1985.

**L.C. Kindbom,**

*Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.*

[FR Doc. 85-9365 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

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[CGD-85-024]

## National Boating Safety Advisory Council Subcommittee on Capacity Plate Replacement; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council's Subcommittee on Consumer Education to be held on Monday, May 13, 1985 at the Sheraton Harrisburg West, New Cumberland, Pennsylvania, beginning at 2:00 p.m. and ending at 5:00 p.m. The agenda for the meeting will be as follows:

1. Review current Federal Regulations on Capacity Plates.

2. Discuss Alternatives for Replacement Capacity Plates.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain R.F. Ingraham, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G-BBS), Washington, DC, 20593, or by calling (202) 426-1060.

Issued in Washington, DC., April 11, 1985.

**L.C. Kindbom,**

*Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.*

[FR Doc. 85-9366 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

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## Federal Highway Administration

## Environmental Impact Statement; Fairfax County, VA

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a Draft Supplement to the Final Environmental Impact Statement will be prepared for a segment of a proposed highway project in Fairfax County, Virginia.

**FOR FURTHER INFORMATION CONTACT:** George E. Kirk, Jr., District Engineer, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia, 23240-0045, Telephone: (804) 771-2380

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Virginia Department of Highways and Transportation (VDH&T), will prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS) on a proposal to construct a segment of a new four-lane facility from Braddock Road (Rte. 620) to Interstate I-66 in Fairfax County, Virginia.

The proposed construction will be entirely on new location. The environmental study limits of this proposal are from Braddock Road (Rte. 620) to Interstate 66, for a total length of about 2.8 miles.

The proposed project, as part of the total Springfield Bypass facility, will provide improved traffic movement and access to southern and western Fairfax County.

The option under consideration in this document is the selection of one of the two alignments being proposed for construction. One of these alternatives (the Preferred Alignment), has been fully described in the FEIS. Design and configuration variations will be studied as part of the alignment determination.

No formal scoping meeting is planned at this time. The Draft Supplement will be available for public and agency review and comment. Following the publication of the Draft Supplement, a public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments ans suggestions concerning this proposed action and the Draft Supplement should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local review of Federal and Federally assisted programs and projects apply to this program.

Issued on April 8, 1985.

**George E. Kirk, Jr.,**

*District Engineer, Richmond, Virginia.*

[FR Doc. 85-9337 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-22-M

# Sunshine Act Meetings

Federal Register
Vol. 50, No. 75
Thursday, April 18, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONTENTS



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**FEDERAL DEPOSIT INSURANCE CORPORATION**

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:52 p.m. on Friday, April 12, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in First State Bank of Elgin, Oregon, Elgin, Oregon, which was closed by the Superintendent of Banks for the State of Oregon on Friday, April 12, 1985; (2) accept the bid for the transaction submitted by United States National Bank of Oregon, Portland, Oregon; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

At that same meeting, the Board also: (1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in South Coast Bank, Costa Mesa, California, which was closed by the Superintendent of Banks for the State of California on Friday, April 12, 1985; (2) accepted the bid for the transaction submitted by Harbor Bank, Long Beach, California, an insured State nonmember bank; (3) approved the application of Harbor Bank, Long Beach, California, for consent to purchase certain assets of and to assume the liability to pay deposits made in South Coast Bank, Costa Mesa, California, and to establish the two offices of South Coast Bank as branches of Harbor Bank; and (4) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: April 15, 1985.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 85-9529 Filed 4-16-85; 3:09 pm]

BILLING CODE 6714-01-M

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**FEDERAL DEPOSIT INSURANCE CORPORATION**

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 22, 1985, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Capitol Thrift and Loan Association, an operating noninsured industrial bank located at 1612 Jeffeson Street, Napa, California.

Tustin Thrift and Loan Association, an operating noninsured industrial bank located at 530 East First Street, Tustin, California.

Request for reconsideration of a previous denial of an application for Federal deposit insurance:

Federal Finance & Mortgage, Ltd., an operating noninsured industrial bank located at 911 Keeaumoku Street, Honolulu, Hawaii.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,201-SR (Amendment)
Atkinson Trust & Savings Bank, Atkinson, Illinois
Case No. 46,205
The Bank of Bloomfield, Bloomfield, New Jersey and
First State Bank of Hudson County, Jersey City, New Jersey and
Centennial Bank, Philadelphia, Pennsylvania and
Farmers Bank of the State of Delaware, Dover, Delaware
Case No. 46,207-SR (Amendment)
Sparta-Sanders State Bank, Sparta, Kentucky

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 15, 1985.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 85-9501 Filed 4-16-85; 2:25 pm]

BILLING CODE 6714-01-M

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**FEDERAL DEPOSIT INSURANCE CORPORATION**

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 22, 1985, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Memorandum regarding liquidation activities.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 15, 1985.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 85–9502 Filed 4–16–85; 2:25 pm]

BILLING CODE 6714-01-M

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**FEDERAL ELECTION COMMISSION**

**DATE AND TIME:** Tuesday, April 23, 1985, 10:00 a.m.

**PLACE:** 1325 K Street, NW, Washington, D.C.

**STATUS:** This meeting will be closed to the public items to be discussed: Compliance. Litigation. Audits. Personnel.

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**Notice of Cancellation of Public Hearing**

The previously announced hearing on the Sunshine Regulations (50 FR 10066, March 13, 1985), has been cancelled.

* * * * *

**Special Open Meeting**

**DATE AND TIME:** Wednesday, April 24, 1985, 10:00 a.m.

**PLACE:** 1325 K Street, N.W., Washington, D.C.

**MATTER TO BE CONSIDERED:**

Oral presentaion by the Friends of George McGovern on the Commission's initial repayment determination

* * * * *

**DATE AND TIME:** Thursday, April 25, 1985, 10:00 a.m.

**PLACE:** 1325 K Street, NW., Washington, D.C.

**STATUS:** This meeting will be open to the public.

**MATTER TO BE CONSIDERED:**

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential primary matching funds
Net outstanding campaign obligations (NOCO) determination—Mondale for President Committee, Inc.
Draft advisory Opinion #1985–11, Richard P. Schweitzer, Legislative Councel, Private Truck Council of America, Inc.
Draft Advisory Opinion #1985–12, Gary Hong, Political Action Director, American Health Care Association PAC
Routine Administrative Matters

**PERSONS TO CONTACT FOR INFORMATION:** Mr. Fred Eiland, Information Officer, 202–523–4065.

**Marjorie W. Emmons,**

*Secretary of the Commission.*

[FR Doc. 85–9514 Filed 4–16–85; 3:06 pm]

BILLING CODE 6715-01-M

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**FEDERAL RESERVE SYSTEM**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 50 FR 14192, April 10, 1985.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 11:00 a.m. Monday, April 15, 1985.

**CHANGES IN THE MEETING:** Addition of the following closed item(s) to the meeting: Proposed statement to be presented to the Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the House Committee on Banking, Finance and Urban Affairs on chartering of nonbank banks and on H.R. 20, the Bank Definition Act.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated April 15, 1985.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 9398 Filed 4–15–85; 4:44 pm]

BILLING CODE 6210-01-M

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**SECURITIES AND EXCHANGE COMMISSION**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** (To be published).

**STATUS:** Open/closed meeting.

**PLACE:** 450 Fifth Street, NW., Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:** Friday, April 5, 1985.

**CHANGE IN THE MEETING:** Additional items.

The following additional item will be considered at an open meeting scheduled for Tuesday, April 16, 1985, at 10:00 a.m.

Consideration of whether to issue a release requesting comment on the oversight of the government securities markets. For further information, please contact Andrew E. Feldman at (202) 272–2388.

The following additional item will be considered at a closed meeting scheduled for Tuesday, April 16, 1985, at 2:30 P.M.

Subpoena enforcement action.

Commissioner Peters, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted

of postponed, please contact: Alan Dye at (202) 272-2014.

**Shirley F. Hollis,**

*Assistant Secretary.*

[FR Doc. 85-9500 Filed 4-16-85; 2:25 pm]

BILLING CODE 8010-01-M

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**SYNTHETIC FUELS CORPORATION**

Meeting of the Board of Directors

**SUMMARY:** Interested members of the public are invited to attend and observe the meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of section 116(f)(1) of the Energy Security Act (94 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on Public Access to Board meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting pursuant to Article II, section 4 of the Corporation's By-laws, section 116(f) of the said Act and sections 4 and 5 of the said policy.

**MATTERS TO BE CONSIDERED:**

**Open Session (9:00 a.m.), Room 403**

I. Call to Order—Chairman's Opening Remarks
II. Resolution to Close Meeting

**Closed Session Room 403**

III. Letter of Intent Project Reports
  1. Great Plains
  2. Seep Ridge
  3. Cathedral Bluffs
  4. Forest Hill
IV. Fourth General Solicitation Project Status Report

**Open Session (3:30 p.m.), Room 503**

V. Approval of Board Minutes
VI. Report of Comprehensive Strategy Committee Chairman
  1. Comprehensive Strategy: Status
  2. Statement of Principles and Objectives/ Business Plan: Assessment
VII. Hop Kern Project Letter of Intent Status
VIII. Third General Solicitation Open Issues
  1. Paraho-Ute Project

**TIME AND DATE:** 9:00 a.m., April 22, 1985.

**PLACE:** 2121 K Street, NW., Rooms 403 and 503, Washington, D.C. 20586.

**PERSON TO CONTACT FOR MORE INFORMATION:** If you have any questions regarding this meeting, please contact Mr. March Coleman, Assistant General Counsel-Corporate & Litigation, at (202) 822-6571.

United States Synthetic Fuels Coporation.

**Leo Rawicz,**

*Vice President, General Counsel and Secretary.*

April 15, 1985.

[FR. Doc. 85-9437 Filed 4-16-85; 9:41 am]

BILLING CODE 000-00-M

Federal Register

Thursday
April 18, 1985

Part II

# Department of Transportation

Federal Aviation Administration

14 CFR Parts 91, 121, 125, and 135
Flight Recorders and Cockpit Voice Recorders

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Parts 91, 121, 125, and 135**

**[Docket No. 24418; Notice No. 85-1A]**

## Flight Recorders and Cockpit Voice Recorders

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Reopening of comment period.

**SUMMARY:** This notice reopens the comment period for Notice of Proposed Rulemaking (NPRM), No. 85-1 (50 FR 949; January 8, 1985). The notice proposes to require additional flight recorder parameters for airplanes type certificated before 1969 operating in Part 121 operations. Post-accident examination, in many cases, no longer produces sufficient information to accurately assess the causal interrelationship between man, machine, and environment. The additional requirements are necessary to ensure that all of the underlying causal factors of an accident are identified. The notice also proposes to require cockpit voice recorders (CVR) on newly manufactured multiengine, turbine-powered airplanes certificated to carry six or more passengers, requiring two pilots by certification or operating rules for those operations conducted under Part 135. The notice also proposes that, for those operators conducting operations under Part 91 and Part 125 that have installed approved cockpit voice recorders, the Administrator will not use the record in any civil penalty or certificate action. This reopening of the comment period is based on requests received from the Air Transport Association (ATA) of America, the Regional Airline Association, the Aerospace Industries Association of America, Inc., and the General Aviation Manufacturer's Association, for more time in order to obtain technical information, and cost data, as well as to study the proposal, and provide quality comment.

The FAA has determined that it is in the public interest to reopen the comment period to allow the public more time to undertake a thorough review of this proposal.

**DATES:** Comments on Notice 85-1 must be received on or before June 3, 1985.

**ADDRESSES:** Comments on Notice 85-1 may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 24418, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C. Comments delivered must be marked: Docket No. 24418. Comments may be inspected in Room 916 weekdays between 8:30 a.m. and 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** John Flavin, Office of Airworthiness, Aircraft Maintenance Division, Avionics Branch (AWS-350), 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-8177.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule.

Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to docket number 24418." The postcard will be dated, time-stamped, and returned to the commenter. The proposals contained in Notice 85-1 may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRM

Any person may obtain a copy of this notice and Notice 85-1 by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591. Persons interested in being placed on a mailing list for future NPRM's should request a copy of Advisory Circular 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

### Background

On December 31, 1984, the FAA issued Notice 85-1 (50 FR 949; January 8, 1985). The FAA proposes in that notice to revise § 91.35 and add a new § 125.202 which would provide that the Administrator will not use the cockpit voice recorder record in any civil penalty or certificate action. The purpose is to encourage operators to voluntarily install cockpit voice recorders in airplanes that are used in those operations where they are not required. The installed equipment must be approved and it must continue to meet the airworthiness requirements under which the airplane is certificated and operated.

That notice also proposes substantive revisions to §§ 121.343 and 135.151. For operations conducted under Part 121, this proposed rule would require retrofitting all airplanes type certificated before September 30, 1969 (currently using a six-parameter foil-type flight recorder) with a six-parameter digital flight recorder within 2 years from the effective date of this proposed amendment. These flight recorders would have to be upgraded to 11 parameter digital flight recorders within 7 years after the effective date of this proposed amendment. The 11 parameters would consist of those currently required plus the following: (1) Pitch attitude; (2) roll attitude; (3) pitch trim position; (4) control column or pitch control surface position; and (5) thrust of each engine. They would be required to perform within the ranges, accuracies, and recording intervals specified in Appendix B of Part 121.

All newly manufactured airplanes having an original type certificate issued before September 30, 1969, would be required to have 17-parameter digital flight recorders installed after 2 years from the effective date of the amendment. The requirements for airplanes type certificated after September 30, 1969, would not change.

For those operations conducted under Part 135, that proposal would require a CVR for all multiengine, turbine-powered airplanes certificated to carry six or more passengers and requiring two pilots by certification or operating rules, that are newly manufactured 2 years from the effective date of the final rule.

"Manufactured" means when the airplane inspection acceptance records reflect that the airplane is complete and meets the FAA-approved type design data. An airplane manufactured and then placed into storage prior to sale would be considered manufactured the date it is completed prior to being placed in storage.

The closing date for comments on Notice 85-1 was March 2, 1985. Two commenters, representing a considerable number of operators that

would be affected by this proposal, requested more time in which to study the proposals and to prepare their comments.

### Reopening of Comment Period

In consideration of these requests the FAA concludes that reopening the comment period for an additional 45 days would serve the public interest. Accordingly, the comment period for Notice 85–1 is reopened. The comment period will close on June 3, 1985.

### Conclusion

This document reopens the comment period on a notice of proposed rulemaking. Therefore, I certify that this document is not major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

(Sec. 313, 314, 601, 603(c), 605, 606, 609, and 610 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, 1421, 1423(c), 1425, 1428, 1429, and 1430); 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 21, 1983); and 14 CFR 11.45)

Issued in Washington, D.C., on April 3, 1985.

**Joseph A. Pontecorvo,**

*Acting Director of Airworthiness.*

[FR Doc. 85–9297 Filed 4–17–85; 8:45 am]

BILLING CODE 4910–13–M

federal register

Thursday
April 18, 1985

Part III

# Department of Agriculture

## Animal and Plant Health Inspection Service

7 CFR Part 301

Subpart—Honey Bee Tracheal Mite; Revocation; Final Rule

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 85-323]

### 7 CFR Part 301

### Revocation; Subpart—Honey Bee Tracheal Mite

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Domestic Quarantine Notices by removing regulations, captioned "Subpart—Honey Bee Tracheal Mite". Prior to the effective date of this document, Subpart—Honey Bee Tracheal Mite quarantined the States of Florida, Louisiana, and Texas, and regulated the interstate movement of articles designated as regulated articles from anywhere in Florida and from portions of Louisiana and Texas. The regulations were established in order to prevent the artificial spread interstate of honey bee tracheal mite to noninfested areas in the United States. This document removes the regulations because it appears that honey bee tracheal mite is widespread throughout the United States and there is no longer a basis for regulating the interstate movement of articles because of honey bee tracheal mite.

**EFFECTIVE DATE:** April 16, 1985.

**FOR FURTHER INFORMATION CONTACT:** B. Glen Lee, Survey and Emergency Response Staff, National Program Planning Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 611, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6365.

**SUPPLEMENTARY INFORMATION:** A document published in the **Federal Register** on February 20, 1985 (see 50 FR 7162-63), proposed to amend the Domestic Quarantine Notices (7 CFR Part 301 *et seq.*) by removing regulations captioned "Subpart—Honey Bee Tracheal Mite" (previously contained in 7 CFR 301.92 *et seq.* and referred to below as regulations).

Prior to the effective date of this document, the regulations quarantined the States of Florida, Lousiana, and Texas and regulated the interstate movement of articles designated as regulated articles from anywhere in Florida, and from portions of Lousiana and Texas. The regulations designated the following articles as regulated articles:

(a) Live bees of the genus *Apis*, in any life stage;

(b) Dead bees of the genus *Apis*;

(c) Used bee boards, hives, nests, nesting material, frames, comb, and shipping containers for such articles;

(d) Beeswax, unless it has been liquified;

(e) Pollen for bee feed; and

(f) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraphs (a) through (e) when it is determined by an inspector that it presents a risk of spread of the honey bee tracheal mite and the person in possession thereof has actual notice that the the product, article, or means of conveyance is subject to the restrictions in the regulations.

The regulations were established to prevent the artificial spread interstate of honey bee tracheal mite, *Acarapis woodi*, an internal parasitic mite of honeybees (bees of the genus *Apis*). However, it has been determined that the regulations are no longer necessary for that purpose. For reasons discussed in the proposal of February 20, 1985, and in this document, the proposal to remove the regulations is adopted.

### Comments

Comments were solicited for 30 days after publication of the amendment. One hundred and forty-two comments (142) were received from individual beekeepers, State and National beekeeping associations, and State Departments of Agriculture. Ninety-five (95) of the comments received favored the Department's proposal to remove the regulations, and forty-seven (47) of the comments received opposed the proposal or suggested that implementation of the proposal be delayed for a specified period of time.

The issues presented by commenters who supported the proposal to remove the regulations are summarized as follows:

1. It was asserted that the regulations should be removed because they are very difficult, if not impossible to enforce given the available resources.

2. It was asserted that the continuation of regulations without an extensive eradication program would be ineffective in preventing interstate spread of the honey bee tracheal mite, and that unless the Department of Agriculture would be able to make funds available for indemnifying beekeepers whose bees would be destroyed under an eradication program, it would be unlikely that the Department would get the necessary voluntary compliance needed to make an eradication program effective, especially when the migratory practices of the beekeeping industries are considered.

3. It was asserted that the honey bee tracheal mite is far more widespread and established in the United States than the Department's surveys revealed because the sampling techniques used were adequate for detecting only well established infestations. In support of this assertion, it was contended that: (a) Given the reproductive cycle of the honey bee tracheal mite and the reproductive cycle of the honey bee, it could take several years before an infestation develops to a point that it will be detected under the sampling techniques used by the Department; (b) in light of the migratory practices of beekeepers in the United States, it can be assumed that honey bees from infected or exposed hives were sent nationwide before the honey bee tracheal mite was discovered and a regulatory program established; and (c) the sampling program did not take into account or sample feral bees within the flight range of infested colonies and feral bees may have become a source for transmitting honey bee tracheal mite to colonies that had initially tested free of honey bee tracheal mite during the survey.

4. It was asserted that if the regulations are not removed there would be a negative impact on beekeepers who keep their bees in Florida year around because the presence of additional bees in Florida during the summer months will increase the competition for what is already considered to be an inadequate amount of nectar in Florida.

5. It was asserted that the economic losses associated with not being able to migrate bees from regulated to nonregulated areas to ensure pollination would be far greater than the economic losses associated with widespread infestations of the honey bee tracheal mite.

The issues presented by commenters in favor of retaining the regulations are summarized as follows:

1. It was asserted that the honey bee tracheal mite is not widespread in the United States. In support of this assertion it was contended that Departmental surveys confirmed infestations in only 10 States and the honey bee colonies found to be infested have since been destroyed.

2. It was asserted that regulations established by the Federal government are necessary in order to prevent the honey bee tracheal mite from becoming widespread in the United States. In support of this assertion, it was contended that if the regulations are

removed there will be no way to determine whether honey bees moving interstate are coming from infested areas or not since States do not have adequate resources to conduct surveys, to do research, and to regulate the movement of honey bees.

3. It was asserted that the regulations should be removed because there is a need for uniform regulations nationwide, especially considering the migratory nature of the honey bee industry, rather than the establishment of many separate, and probably different, state regulations.

4. It was asserted that the regulations should not be removed until more is known about the impact of the honey bee tracheal mite on honey bees in the United States, especially on honey bees overwintered in colder northern climates.

5. It was asserted that removal of the regulations would cause Canada to take action restricting the importation of honey bees into Canada.

In addition, several commenters recommended that action to remove the regulations be delayed until late May after the queen honey bee and packaged honey bee industry has finished shipping honey bees interstate or to Canada for the 1985 season or until the States have had an opportunity to prepare and implement appropriate regulations.

The proposal to remove the regulations was based on the conclusion that the honey bee tracheal mite is widespread throughout the United States and that, consequently, there is no longer a basis for regulating the interstate movement of products and articles for the purpose of preventing the interstate dissemination of the honey bee tracheal mite. The Department reaffirms this determination, and, therefore, this document removes the regulations.

Nothwithstanding the possible validity of comments submitted concerning unknown consequences of a honey bee tracheal mite infestation to honey bees in the United States, the possible restrictions that could be placed on trade, and the desirability of regulation on a national basis, the Department believes that it can not effectively prevent additional spread of the honey bee tracheal mite by the continued implementation of the regulations.

The Department's surveys revealed honey bee tracheal mite infestations in the following ten States: Florida, Louisiana, Nebraska, New York, North Carolina, North Dakota, Ohio, South Dakota, Texas, and Virginia. However, some of the infected bee colonies were destroyed, but most of them were not. Further, the Department agrees with reasons set forth above by commenters who asserted that the honey bee tracheal mite has spread beyond the areas found to be infested during the surveys and has spread to areas throughout the United States. Also, it is expected that additional infestations will be found throughout the United States in the near future. In fact, on April 12, 1985, confirmed infestations of honey bee tracheal mite were reported to exist in the State of Georgia.

Under the circumstances described above, it does not appear that an effective federal eradication program would be feasible against the honey bee tracheal mite.

The Department recognizes that there could be many different State regulations that would affect the bee industry. In this regard, the Department has sent copies of model regulations to the States for their use, if desired.

A commenter questioned the statement in the proposal that the Office of Management and Budget (OMB) had waived review of the proposal under Executive Order 12291. OMB has waived the review process required by Executive Order 12291 based on an agreement between OMB and APHIS.

A commenter questioned the statement in the proposal that adoption of the proposal would have an effect on the economy of less than 100 million dollars. This commenter argued that large losses might be incurred by a reduction in the amount of honey or pollen produced by honey bees as a result of an infestation of honey bee tracheal mite. It is unclear exactly what losses will be incurred as a result of an infestation of honey bee tracheal mite. However, as discussed above, the Department has determined that the honey bee tracheal mite is widespread in the United States and that continued federal regulations would not be effective in preventing future spread. Therefore, adoption of the proposal to rescind the regulations should not cause significant increases or decreases in economic losses incurred as a result of a honey bee tracheal mite infestation.

Several commenters requested that the Department establish a certification program to facilitate the international and interstate movement of honey bees found to be free of the honey bee tracheal mite. The Department does not have the personnel and other resources available which would be necessary to implement a program for sampling and certifying honey bees to be moved interstate or internationally on a continuing basis.

The final rule relieves restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete the restrictions. Therefore, in accordance with the provisions of 5 U.S.C. 553 the final rule is made effective upon signature.

**Executive Order 12291 and Regulatory Flexibility Act**

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule". Based on information compiled by the Department, it has been determined that this rule will have an effect on the economy of less than 100 million dollars; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

The regulations were established as an interim rule on an emergency basis until final action could be taken. For the reasons explained above, it has been determined that the honey bee tracheal mite is widespread throughout the United States and that, consequently, there is no longer a basis for regulating the interstate movement of products and articles for the purpose of presenting the interstate dissemination of the honey bee tracheal mite. Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

**Paperwork Reduction Act**

The regulations in this subpart contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*).

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Transportation, Honey bee tracheal mite.

## PART 301—DOMESTIC QUARANTINE NOTICES

### Subpart—Honey Bee Tracheal Mite

**§§ 301.92—301.92-9 [Removed]**

Accordingly, under the circumstances described above, 7 CFR Part 301 is amended by removing "Subpart—Honey Bee Tracheal Mite" (7 CFR 301.92 and 301.92-1 through 301.92-9).

**Authority:** 7 U.S.C. 150dd, 150ee; 7 CFR 2.17, 2.51, and 371.2(c).

Done at Washington, D.C., this 16th day of April 1985.

**William F. Helms,**

*Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.*

[FR Doc. 85-9573 Filed 4-17-85; 12:00 p.m.]

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**H.R. 1847 / Pub. L. 99-22**
To amend title 28, United States Code, with respect to the United States Sentencing Commission. (Apr. 15, 1985; 99 Stat. 46) Price: $1.00

**H.R. 730 / Pub. L. 99-23**
To declare that the United States holds in trust for the Cocopah Indian Tribe of Arizona certain land in Yuma County, Arizona. (Apr. 15, 1985; 99 Stat. 47) Price: $1.00